

IN THE MATTER OF THE * BEFORE THE
APPLICATION OF PAUL JEDNORSKI AND * COUNTY BOARD OF APPEALS
WIFE, FOR VARIANCES ON PROPERTY *
LOCATED 75' SOUTH OF BIRD RIVER * OF
ROAD ON THE WEST SIDE (11000 *
BOWERMAN ROAD) * BALTIMORE COUNTY
11th Election District *
5th Councilmanic District * Case No. 91-167-A

OPINION

This case returns to this Board based upon an original petition for zoning relief filed by Paul Jednorski and Jeri Jednorski, his wife (the "Petitioners"), which zoning relief was opposed before this Board by Joan C. Bowerman, George A. David and Sheila L. David, his wife, and Richard Wall (collectively the "Neighbors") (the Petitioners and the Neighbors are collectively referred to as the "Parties"). The relief previously requested by Petitioners had been granted by the Baltimore County Zoning Commissioner, subject to specified conditions. On appeal to this Board, the decision of the Zoning Commissioner was affirmed, including the enumerated conditions. An appeal of this Board's November 20, 1991 Opinion affirming the Zoning Commissioner's decision was then appealed to the Circuit Court for Baltimore County by the Neighbors. The Parties, in resolution of the differences which existed among them, requested a remand of the appeal to this Board for further consideration; they have entered into a written agreement; and they have appeared before this Board

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in support of the revised variance relief sought in the above-captioned action, subject to the original conditions and additional conditions contained in the agreement between the Parties. At the request of this Board, the Parties have filed a Stipulation of Facts and a Consent to Order. The Board hereby adopts the following facts contained in the Parties' stipulation:

1. The Petitioners own the property known as 11000 Bowerman Road (the "subject property").
2. The Neighbors own and/or have an interest in real property adjacent to adjoining the subject property.
3. In Case No. 91-167-A, by an Opinion dated November 20, 1991, this Board granted Petitioner's relief for side yard set back variances for 25 feet in lieu of the 35 feet required for the subject property.
4. The Neighbors appeared and testified before this Board in opposition to the relief originally sought by the Petitioners.
5. This Board's Opinion contained certain conditions on the relief granted to the Petitioners.
6. The Neighbors took a timely appeal of this Board's Order dated November 20, 1991 to the Circuit Court for Baltimore County, said appeal being docketed as Case No. 91-CV-7525 10/157 (the "appeal").
7. While the appeal was pending before the Circuit Court, the Parties continued to communicate and discuss possible resolution of their respective disputes and differences with

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respect to the relief granted by this Board to the Petitioners.

8. After reaching agreement on a revision of the variance relief to be sought by Petitioner for the subject property and developing additional conditions to be attached thereto, the Parties jointly requested that the Circuit Court remand the case appealed for further consideration by this Board.

9. By Order dated March 10, 1992, the case appealed was remanded to this Board as requested by the Parties.

10. By joint request of the Parties, this Board conducted a hearing on remand, held on July 21, 1992, wherein Petitioners introduced as Petitioners' Exhibit No. 1, the written agreement of the Parties, together with a plat of the subject property attached thereto and incorporated therein (collectively the "Agreement"); the Agreement is incorporated herein by reference and made a part hereof.

11. The revised relief sought by Petitioners, in accordance with the Agreement, is a variance from Baltimore County Zoning Regulations §1A01.3.B.3 to permit a side yard set back of 5 feet in lieu of the 35 feet required along the western property line of the subject property; and to permit a side yard set back of 25 feet along the eastern property line of the subject property as measured from the northeastern most corner of the building envelope as shown on the Plat attached to Petitioners' Exhibit No. 1.

12. The Agreement contains, at pages 2 through 4, in enumerated paragraphs 1 through 5, additional conditions, as

Page 3 of 7

delineated on Exhibit No. 1, that the Parties desire to have incorporated in any order of this Board granting the relief requested.

13. At the hearing on remand, all Parties were represented by legal counsel of their own choice, and the revised relief requested and the terms of the Agreement were summarized for the record.

Additionally, the Parties consented to this Board granting an Order in the above-captioned case which grants the revised relief described in enumerated paragraph 11 hereof, together with the conditions contained in this Board's November 20, 1991 Order in this case (with the exception of enumerated condition No. 2 therein which conflicts directly with the conditions of the Agreement) and the conditions of the Agreement, as more particularly defined in enumerated paragraph 12 hereof and on the Plat attached to the Agreement.

At the hearing on remand, the uncontroverted testimony in support of the revised relief requested by Petitioner was that strict compliance with the Baltimore County Zoning Regulations ("BCZR") would result in practical difficulty or unreasonable hardship to the Petitioners due to the shape, location and configuration of the subject property; the revised relief requested will not result in increased residential density, as it is a replacement of the dilapidated house which presently exists on the subject property; the shape, location, and configuration of this lot, together with the fact that the relief requested is for a

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replacement structure, are special circumstances or conditions which are peculiar to the subject property; the grant of the relief requested will do substantial justice to the Petitioners, as well as other property owners in the district; the revised relief requested is the minimum relief necessary to give substantial relief to the Petitioners; and the relief requested can be granted within the spirit and intent of the BCZR and without injury to the public health, safety and general welfare.

Pursuant to the posting of the subject property, and the public hearing on the revised relief held, and for the reasons given above, the revised relief requested by Petitioners described in enumerated paragraph 11 hereof, shall be granted subject to the conditions and restrictions specified below.

THEREFORE, IT IS ORDERED by the County Board of Appeals for Baltimore County this 21st day of August, 1992, that variances from Baltimore County Zoning Regulations §1A01.3.B.3 to permit a side yard set back of 5 feet in lieu of the 35 feet required along the western property line of the subject property; and to permit a side yard set back of 25 feet along the eastern property line of the subject property as measured from the northeastern most corner of the building envelope as shown on the Plat attached to Petitioners' Exhibit No. 1 are hereby GRANTED. The approvals granted herein are subject to the following

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restrictions, conditions, and limitations, as more specifically delineated on Exhibit No. 1:

- A. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- B. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- C. Petitioners shall comply fully with the recommendations of the Department of Environmental Protection and Resource Management contained in their Memorandum dated November 29, 1990, attached hereto and made a part hereof.
- D. The proposed location of the Petitioners' home, and any above-ground additions, improvements or betterments thereto, will not extend further toward the Bird River than the rear elevation face of the home in existence on the property known as 11008 Bowerman Road, as shown on the Plat attached to Petitioners' Exhibit No. 1 as being currently owned by Joan C. Bowerman.
- E. In no event shall the eastern edge of the building envelope of Petitioners' home be located greater than 49 feet from the common property line which exists between the subject property and that adjoining property immediately to the west, said adjoining property shown on the Plat attached to Petitioners' Exhibit No. 1 as 11002 Bowerman Road, the title of which is shown in the name of G.S. & M.M. Bowerman.
- F. The location and construction of Petitioners' proposed home must be such that there will be no two windows of the Petitioners' - Joan C. Bowerman's home facing each other to the extent that their respective surfaces are parallel.
- G. The Parties shall jointly prepare and execute a maintenance agreement for the existing right-of-way to

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which the Parties have use and access, which provides inter alia for the substantial repair or resurfacing thereof.

- H. Not later than the end of the first planting season after the issuance of a Use and Occupancy certificate to the Petitioners for their use and occupancy of the improvements proposed on the subject property, the Petitioners shall plant evergreen trees, 6 to 8 feet in height, each having a minimum 1 inch caliper, said trees to be planted on at least 10 foot centers from the water's edge, parallel or on the Petitioners' - Joan C. Bowerman property line, said trees to extend to the southern edge of the "Exist. Lane" as shown on the Plat attached to Petitioners' Exhibit No. 1.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Saug, Acting Chairman

Harry E. Buchheister, Jr.

William Clark

Page 7 of 7



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 21, 1992

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Case No: 91-167-A
Paul Jednorski, et ux

Dear Mr. Alderman:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

LindaLee M. Kuszmaul
LindaLee M. Kuszmaul
Legal Secretary

Enclosure

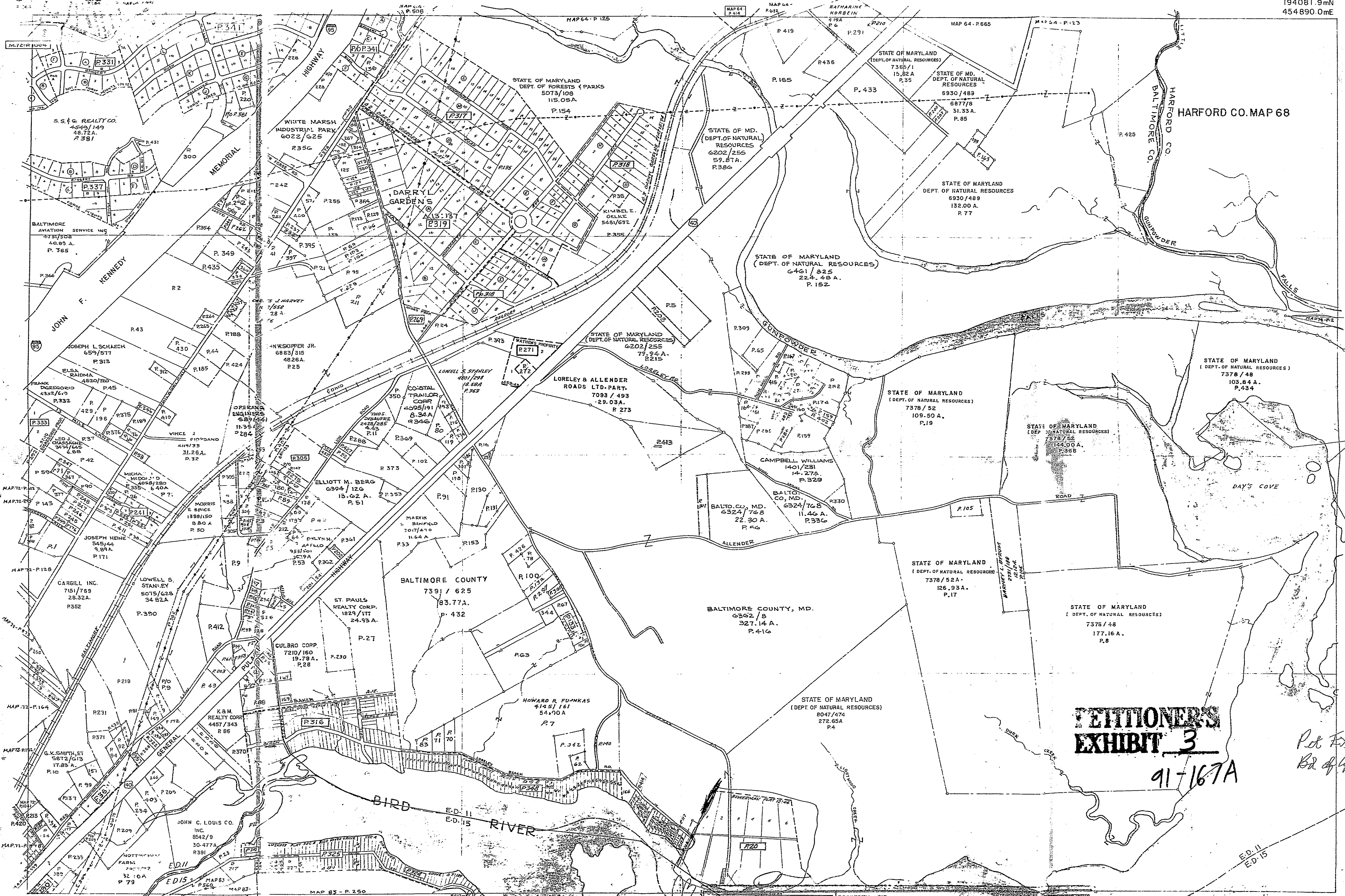
cc: Mr. and Mrs. Paul Jednorski
Michael L. Freilich, Esquire
Ms. Joan Bowerman
Mr. and Mrs. George David
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

Printed on Recycled Paper

MICROFILMED

194082.0mN
449403.6mE

194081.9mN
454890.0mE



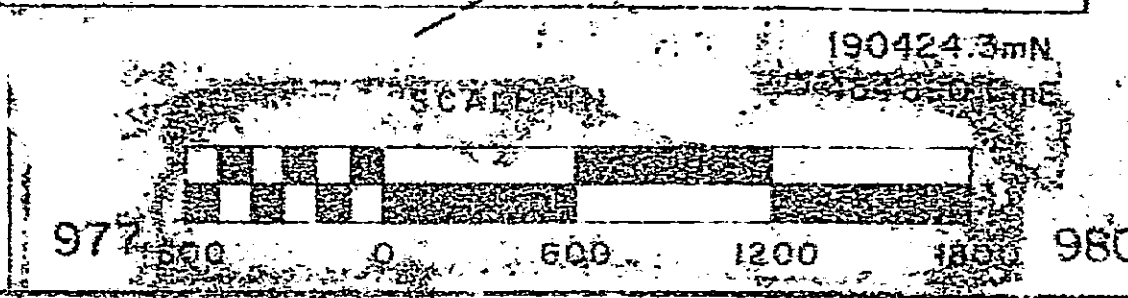
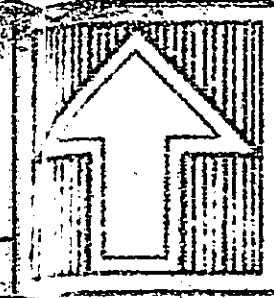
190424.5mN
449403.6mE

190424.3mN
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COPYRIGHT-MAP DIVISION-1967
MD. DEPT. OF ASSESS. & TAX.

THESE MAPS ARE PROTECTED BY COPYRIGHT. THEY MAY NOT BE COPIED OR REPRODUCED IN ANY FORM INCLUDING ELECTRONIC FORM, SUCH AS DIGITIZING, SCANNING, AND IMAGE PROCESSING, OR BY ANY SYSTEM NOW KNOWN OR TO BE INVENTED WITHOUT PERMISSION IN WRITING FROM THE PROPERTY MAP DIVISION.

DEPT. OF ASSESSMENTS & TAXATION
MAP DIVISION
THIS INFORMATION SHOWN HEREON WAS OBTAINED FROM DEED DESCRIPTIONS AND IS NOT AN ACCESSION SURVEY. IT SHOULD NOT BE USED FOR LAND RESURVEYING. UNLESS MOVING ERRORS ARE SHOWN, NO REPRESENTATION OF ASSESSMENTS & TAXATION SHALL BE MADE IN THIS MAP.
REVISED TO: 1967
SCALE: 1" = 600'
SUB-DIVISION BOUNDARY
CONTINUING OWNERSHIP - Z I E - Z I E - Z I E
PARCEL NUMBER - P. 249 (ASSIGNED TO IDENTIFY AND INDEX AT MAP NUMBER)
BY: LISTED TO: 1967
CWN: R. 439



MAP NO
73

BALTIMORE COUNTY, MARYLAND



PROTESTANT'S
EXHIBIT 3
91-167A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	BIRD RIVER	NE
DATE OF PHOTOGRAPHY	VICINITY	8-K
JANUARY 1966		

IN THE MATTER OF THE APPLICATION OF PAUL JEDNORSKI AND WIFE, FOR VARIANCES ON PROPERTY LOCATED 75' SOUTH OF BIRD RIVER ROAD ON THE WEST SIDE (11000 BOWERMAN ROAD) 11th Election District 5th Councilmanic District

* BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 91-167-A

STIPULATION OF FACTS and CONSENT TO ORDER

Now come Paul Jednorski and Jeri Jednorski, his wife (the "Petitioners") and Joan C. Bowerman, George A. David and Sheila L. David, his wife, and Richard Wall (collectively the "Neighbors") (the Petitioners and the Neighbors are collectively referred to as the "Parties"), in support of the revised variance relief sought in the above-captioned action, and the Parties hereby stipulate to the facts contained herein, and consent to the order below described.

STIPULATION OF FACTS

1. The Petitioners own the property known as 11000 Bowerman Road (the "subject property").
2. With the exception of Wall, the Neighbors own the real property adjacent to and adjoining the subject property.
3. In Case No. 91-167-A, by an Opinion dated November 20, 1991, the County Board of Appeals for Baltimore County (the "Board") granted Petitioner's relief for side yard set back variances for 25 feet in lieu of the 35 feet required for the subject property.
4. The Neighbors appeared and testified before the Board in opposition to the relief sought by the Petitioners.

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5. The Board's Opinion contained certain conditions on the relief granted to the Petitioners.
6. The Neighbors took a timely appeal of the Board's Order to the Circuit Court for Baltimore County, said appeal being docketed as Case No. 91-CV-7525 10/157 (the "appeal").
7. While the appeal was pending before the Circuit Court, the Parties continued to communicate and discuss possible resolution of their respective disputes and differences with respect to the relief granted by the Board to the Petitioners.
8. After reaching agreement on a revision of the variance relief to be sought by Petitioner for the subject property and developing additional conditions to be attached thereto, the Parties jointly requested that the Circuit Court remand the case appealed for further consideration by the Board.
9. By Order dated March 10, 1992, the case appealed was remanded to the Board as requested by the Parties.
10. By joint request of the Parties, the Board conducted a hearing on remand, held on July 21, 1992, wherein Petitioners introduced as Petitioners' Exhibit No. 1, the written agreement of the Parties, together with a plat of the subject property attached thereto and incorporated therein (collectively the "Agreement"); the Agreement is incorporated herein by reference and made a part hereof.
11. The revised relief sought by Petitioner, in accordance with the Agreement, is a variance from Baltimore County Zoning Regulations §1A01.3.B.3 to permit a side yard set back of 5 feet in

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- lieu of the 35 feet required along the western property line of the subject property; and to permit a side yard set back of 25 feet along the eastern property line of the subject property as measured from the northeastern most corner of the building envelope as shown on the Plat attached to Petitioners' Exhibit No. 1 which is incorporated herein.
12. The Agreement contains, at pages 2 through 4, in enumerated paragraphs 1 through 5, additional conditions that the Parties desire to have incorporated in any order of this Board granting the relief requested.
 13. At the hearing on remand, all Parties were represented by legal counsel of their own choice, and the revised relief requested and the terms of the Agreement were summarized for the record.
 14. The Parties have agreed that an order of the Board should be issued granting the revised relief requested, which order shall contain the original conditions contained in the Board's Order of November 20, 1991 (with the exception of enumerated condition No. 2 therein which conflicts directly with the conditions of the Agreement), together with the conditions described in the Agreement, as more particularly defined in enumerated paragraph 12 hereof and on the Plat attached to the Agreement.

CONSENT TO ORDER

15. The Parties, by their signatures below, hereby consent to the Board granting an Order in the above-captioned case which grants the revised relief described in enumerated paragraph 11 hereof, together with the conditions contained in the Board's Order

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in this case of November 20, 1991 and the conditions of the Agreement, as more particularly defined in enumerated paragraph 12 hereof and on the Plat attached to the Agreement.

16. The Parties, by their signatures below, hereby represent that their is no intent to appeal any Order of the Board granting the revised relief and conditions thereon as herein prayed.

17. The Parties have attached hereto an Order for issuance by the Board, incorporating the conditions of the Board's Order of November 20, 1991 and the conditions of the Agreement as more particularly described herein.

Date: 13 Aug 92

APPROVED AS TO FORM:

Howard L. Alderman, Jr.
Howard L. Alderman, Jr., Counsel
to Petitioners

Michael L. Freilich
Michael L. Freilich, Counsel to
the Neighbors

WITNESS:

David Jednorski
AS TO BOTH

AS TO BOTH

PETITIONERS:

Paul Jednorski

Jeri Jednorski

NEIGHBORS:
Joan C. Bowerman

Richard Wall

RECORDED

George A. David
Sheila L. David
Richard Wall

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JOAN C. BOWERMAN, et al.
Appellants

v.

PAUL JEDNORSKI, et ux.,
Appellees

JOINT REQUEST FOR REMAND

In resolution of the various disputes and differences between them, JOAN C. BOWERMAN, SHEILA DAVID, and GEORGE DAVID, Appellants, together with PAUL JEDNORSKI and JERI JEDNORSKI, Appellees, by and through their respective counsel, hereby request this Court to remand the above-captioned case to the County Board of Appeals for Baltimore County for further consideration thereon.

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204
(410) 321-0600
Attorneys for Appellants

Michael L. Freilich
Michael L. Freilich
408 Bosley Avenue
Towson, Maryland 21204
(410) 321-0040
Attorney for Appellees

92 MAR 19 PM 2:01

FILED MAR 10 1992

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60BZ

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL CATEGORY Appeal

JOAN C. BOWERMAN, GEORGE DAVID and
SHEILA DAVID

Michael L. Freilich
408 Bosley Ave
21204 321-0040

IN THE MATTER OF THE APPLICATION OF
PAUL JEDNORSKI, ET UX FOR A VARIANCE
ON THE PROPERTY LOCATED 75' SOUTH OF
BIRD RIVER ROAD ON THE WEST SIDE
(11000 BOWERMAN ROAD) 11th ELECTION
DISTRICT 5th COUNCILMANIC DISTRICT

PAUL JEDNORSKI
JERI JEDNORSKI

Howard L. Alderman, Jr.
Levin & Gann, P.A.
305 W. Chesapeake Ave. #113
(04) (301) 321-0600

- (1) Dec 17, 1991 Pliffs Order for Appeal from the County Board of Appeals for Baltimore County and Petition for Appeal, fd.
- (2) Dec. 17, 1991 - Certificate of Notice fd.
- (3) Jan. 16, 1992- Transcript of record fd. with Exhibits.
- (4) Jan. 16, 1992- Notice of filing of record fd. Copies sent.
- (5) Jan. 16, 1992 - App. of HOWARD L. ALDERMAN, JR. for the Appellees PAUL JEDNORSKI and JERI JEDNORSKI and Same Day Answer to Petition for Appeal and Motion to Dismiss Appeal, fd.
- (6) March 18, 1992 - Joint Request for Remand and Order of Court that case is hereby REMANDED to the County Board of Appeals for Baltimore County for further consideration, fd. (CJT, II)

COSTS
CV GEN 917525
CV CLK 80.00
S LBY 10.00
POST 2.00
CASH TL 22.00
#06690 C002 R01 7525 12/17

Docket

10

Page

157

Case

91CV 7525

3/10/92 - #91-167-A Paul Jednorski, et ux
REMANDED TO C.B. of A. for further consideration.

JOAN C. BOWERMAN, et al.
Appellants

v.

PAUL JEDNORSKI, et ux.,
Appellees

IN THE
CIRCUIT COURT

FOR BALTIMORE COUNTY

Case No.: 91-CV-7525
10/157

ORDER

Upon consideration of the parties' JOINT REQUEST FOR REMAND, it is this 10th day of March 1992,

ORDERED that this case be and the same hereby is REMANDED to the County Board of Appeals for Baltimore County for further consideration thereof.

Judge

CC: Freilich & Alderman

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IN THE MATTER OF THE APPLICATION * IN THE
OF PAUL JEDNORSKI, ET UX FOR A * CIRCUIT COURT
ZONING VARIANCE ON PROPERTY * FOR
LOCATED 75' SOUTH OF BIRD ROAD *
ON THE WEST SIDE (11000 BOWERMAN *
ROAD) * BALTIMORE COUNTY
11TH ELECTION DISTRICT *
5TH COUNCILMANIC DISTRICT * CG Doc. No. 10
JOAN BOWERMAN, ET AL *
PLAINTIFFS * Folio No. 157
ZONING CASE NO. 91-167-A * File No. 91-CV-7525

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE
BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Michael B. Sauer, Harry E. Buchheister, Jr., and
C. William Clark, constituting the County Board of Appeals of
Baltimore County, and in answer to the Order for Appeal directed
against them in this case, herewith return the record of
proceedings had in the above-entitled matter, consisting of the
following certified copies or original papers on file in the Office
of the Zoning Commissioner and the Board of Appeals of Baltimore
County:

No. 91-167-A
September 20, 1990 Petition for Variance filed by Paul Jednorski,
et ux to permit a side yard setback of 23 feet
in lieu of the required 35 feet.
Posting of property pursuant to law.
November 21 Publication in newspapers.
November 28 Comments of Baltimore County Zoning Plans
Advisory Committee.
December 11 Hearing held on Petition by the Zoning
Commissioner.
March 27, 1991 Certificate of Posting of property.

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Paul Jednorski, et ux, File No. 91-CV-7525
Case No. 91-167-A

April 17, 1991 Continued Hearing before the Zoning
Commissioner.
May 6 Order of the Zoning Commissioner GRANTING
Petition with restrictions.
May 22 Notice of Appeal received from Michael L.
Freilich, Esquire on behalf of Protestants.
September 20 Hearing before the Board of Appeals.
November 20 Opinion and Order of the Board GRANTING
Petition with restrictions.
December 17 Order for Appeal filed in the Circuit Court for
Baltimore County by Michael L. Freilich,
Esquire on behalf of Protestants.
December 17 Petition to accompany appeal filed in the
Circuit Court for Baltimore County by Mr.
Freilich.
December 17 Certificate of Notice sent to interested
parties.
January 16, 1992 Transcript of testimony filed.

Petitioner's Exhibit No. 1 -Plat of Property
2 -Deed 8/6/90
3 -Tax Map Balto. County (site in
pink)
4-12 - Photos of property & house
13-Letter from DEPRM to Z.C.
14-Affidavits signed by neighbors
in support of Petition (28)
15-Letter signed by Mark Campbell
dealership

Protestant's Exhibit No. 1 - Subdivision Plat
2 - Aerial Photo of Location (Marina)
on Bird River
3 - Aerial photo of Homes & Site
property
4 - Aerial photo - site circled in
white
5 - Aerial close-up of property in
white
6 - Photos attached showing pool &
Bird River

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Paul Jednorski, et ux, File No. 91-CV-7525
Case No. 91-167-A

January 16, 1992 Record of Proceedings filed in the Circuit
Court for Baltimore County.
Record of Proceedings pursuant to which said Order was entered
and upon which said Board acted are hereby forwarded to the Court,
together with exhibits entered into evidence before the Board.

Respectfully submitted,

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul, Legal Secretary,
County Board of Appeals, Room 48
Old Courthouse, Basement
400 Washington Avenue
Towson, Maryland 21204 (301) 887-3180

cc: Michael L. Freilich, Esquire
Joan Bowerman
George and Sheila David
Howard L. Alderman, Jr., Esquire
Paul and Jeri Lee Jednorski

MICROFILMED

IN THE MATTER OF THE * IN THE
APPLICATION OF * CIRCUIT COURT
PAUL JEDNORSKI, ET UX *
FOR A VARIANCE ON PROPERTY * FOR
LOCATED 75' SOUTH OF BIRD *
RIVER ROAD ON THE WEST *
SIDE (11000 BOWERMAN ROAD) * BALTIMORE COUNTY
11TH ELECTION DISTRICT *
5TH COUNCILMANIC DISTRICT * Case No. 91-CV-7525 10/157

ANSWER TO PETITION FOR APPEAL
AND MOTION TO DISMISS APPEAL

PAUL JEDNORSKI and GERI JEDNORSKI, his wife, Appellees, by and
through Howard L. Alderman, Jr., and Levin & Gann, P.A., their
attorneys, in answer to the Petition for Appeal filed herein, state
as follows:

1. In response to the facts and allegations contained in
paragraph 1, Appellees admit that on November 20, 1991, the County
Board of Appeals for Baltimore County (the "Board") granted the
petition for a zoning variance from Section 1A01.3.B.3 of the
Baltimore County Zoning Regulations (the "BCZR") to permit side
yard setbacks of 23' in lieu of the required 35 feet. However,
Appellees deny that such relief constitutes an "exception".
2. Appellees admit the facts and allegations contained in
paragraph 2.
3. In response to the facts and allegations contained in
paragraph 3, Appellees admit that the witnesses so testified.
However, Appellees deny the veracity of such testimony.
4. Appellees admit the facts and allegations contained in
paragraph 4.

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5. Appellees deny the facts and allegations contained in
paragraph 5, and in further answer state that the decision of the
Board is supported by law and by other competent, material and
substantial evidence.

6. Appellants failed to comply with the certification
requirements required by Maryland Rule B2(c).

7. Despite Appellants' Certification to the contrary,
neither the Appellees, nor their counsel, ever received from the
Appellants a copy of the Appellants' Notice and Order for Appeal.

8. The Board's decision conforms in all respects to
applicable law, including Sections 1A01.2.B.1 and 1A01.3.B.1a as
enacted when the subject lot was created.

9. This Court may not substitute its judgment for that of the
Board in that the Board's decision is not based on an error of law.
Peoples Counsel for Baltimore County v. Maryland Marine
Manufacturing Co., Inc., 316 Md. 491, 496-97, citing Ad + Soil
Inc. v. County Comm'r's., 307 Md. 307, 338-39 (1986).

10. The Petition on Appeal, therefore, assigns no issues
reviewable by this Court. There is, therefore, nothing for this
Court to decide. The posture of this case is the same as if
Appellant had never filed an appeal within the statutory period of
time.

WHEREFORE, having fully answered said Petition for Appeal,
Appellees hereby move that, for the reasons articulated above said

Appeal be dismissed, with costs to be assessed against the
Appellants.

Respectfully submitted,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.
Levin & Gann, P.A.
305 W. Chesapeake Avenue, #113
Towson, Maryland 21204
(301) 321-0600
Attorneys for Appellees

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of January, 1992, a
copy of the foregoing Answer to Petition for Appeal and Motion to
Dismiss was hand-delivered, to Michael L. Freilich, Esquire, 408
Bosley Avenue, Towson, MD 21204 and to William T. Hackett,
Chairman, County Board of Appeals for Baltimore County, Court
House, Room 49, Towson, MD 21204, prior to its filing with this
Court.

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

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IN THE MATTER OF THE APPLICATION * IN THE
OF PAUL JEDNORSKI, ET UX FOR A * CIRCUIT COURT
ZONING VARIANCE ON PROPERTY *
LOCATED 75' SOUTH OF BIRD ROAD * FOR
ON THE WEST SIDE (11000 BOWERMAN *
ROAD) * BALTIMORE COUNTY
11TH ELECTION DISTRICT *
5TH COUNCILMANIC DISTRICT * CG Doc. No. 10
JOAN BOWERMAN, ET AL *
PLAINTIFFS * Folio No. 157
ZONING CASE NO. 91-167-A * File No. 91-CV-7525

Madam Clerk:

CERTIFICATE OF NOTICE

Pursuant to the provisions of Rule B-2(d) of the Maryland
Rules of Procedure, Michael B. Sauer, Harry E. Buchheister, Jr. and
C. William Clark, constituting the County Board of Appeals of
Baltimore County, have given notice by mail of the filing of the
appeal to the representative of every party to the proceeding
before it; namely, Michael L. Freilich, Esquire, 408 Bosley Avenue,
Towson, Maryland 21204, Counsel for Plaintiffs; Joan Bowerman,
11008 Bowerman Road, White Marsh, Maryland 21162 and George and
Sheila David, 1108 Bowerman Road, White Marsh, Maryland 21162,
Plaintiffs; Howard L. Alderman, Jr., Esquire, Levin & Gann, P.A.,
305 W. Chesapeake Avenue, Suite 113, Towson, Maryland 21204,
Counsel for Defendants; Paul and Jeri Lee Jednorski, 634-C
Harborside Drive, Joppa, Maryland 21085, Defendants; and Michael
B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204,
a copy of which Notice is attached hereto and prayed that it may be
made a part hereof.

MICROFILMED

Paul Jednorski, et ux, File No. 91-CV-7525
Case No. 91-167-A

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of
Notice has been mailed to Michael L. Freilich, Esquire, 408 Bosley
Avenue, Towson, Maryland 21204, Counsel for Plaintiffs; Joan
Bowerman, 11008 Bowerman Road, White Marsh, Maryland 21162 and
George and Sheila David, 1108 Bowerman Road, White Marsh, Maryland
21162, Plaintiffs; Howard L. Alderman, Jr., Esquire, Levin & Gann,
P.A., 305 W. Chesapeake Avenue, Suite 113, Towson, Maryland 21204,
Counsel for Defendants; Paul and Jeri Lee Jednorski, 634-C
Harborside Drive, Joppa, Maryland 21085, Defendants; and Michael
B. Sauer, Esquire, c/o County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204
on this 17th day of December, 1991.

Linda Lee M. Kuzmaul
Linda Lee M. Kuzmaul, Legal Secretary,
County Board of Appeals, Room 315, County
Office Building, 111 W. Chesapeake Ave.,
Towson, Maryland 21204 (301) 887-3180

MICROFILMED



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 17, 1991

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
305 W. Chesapeake Avenue
Suite 113
Towson, Maryland 21204

Re: Case No. 91-167-A (Paul Jednorski, et ux)

Dear Mr. Alderman:

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Mr. and Mrs. Paul Jednorski
P. David Fields
Patrick Keller
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RECEIVED
DEC 18 1991

ZONING OFFICE

ENCLOSURE



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

December 17, 1991

Michael L. Freilich, Esquire
408 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 91-167-A (Paul Jednorski, et ux)

Dear Mr. Freilich:

In accordance with Rule B-7(a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within thirty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in Court, in accordance with Rule B-7(a).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Linda Lee M. Kuszmaul
Linda Lee M. Kuszmaul
Legal Secretary

Enclosure

cc: Ms. Joan Bowerman
George and Sheila David

MICROFILMED

IN THE MATTER OF THE
THE APPLICATION OF
PAUL JEDNORSKI, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED 75' SOUTH OF BIRD
RIVER ROAD ON THE WEST
SIDE (11000 BOWERMAN ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Appeal No. 91-167-A

Case No. 91-CV-7525

10/15/91

ORDER FOR APPEAL

JOAN BOWERMAN, GEORGE DAVID and SHEILA DAVID, Plaintiffs,
pursuant to Rule B2 orders an appeal of the Order of the County Board of Appeals for Baltimore County issued on November 20, 1991.

The undersigned certifies that on the 17th day of December, 1991, a copy of this Order For Appeal was served on the County Board of Appeals for Baltimore County, prior to the filing of this Order.

Michael L. Freilich
Michael L. Freilich
408 Bosley Avenue
Towson, Maryland 21204
(410) 321-0040
Attorney for Plaintiff

91 DEC 17 PM 12:54

MICROFILMED

IN THE MATTER OF THE
THE APPLICATION OF
PAUL JEDNORSKI, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED 75' SOUTH OF BIRD
RIVER ROAD ON THE WEST
SIDE (11000 BOWERMAN ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY

Appeal No. 91-167-A

Case No.

NOTICE OF ORDER FOR APPEAL

TO: COUNTY BOARD OF APPEALS FOR BALTIMORE COUNTY

Please be advised that JOAN C. BOWERMAN, GEORGE DAVID and SHEILA DAVID, Plaintiffs have ordered an appeal to the Circuit Court For Baltimore County from the Order of this agency issued on November 20, 1991.

The undersigned certifies that on this 17th day of December, 1991, a copy of this notice was mailed to every party to this proceeding, or to that party's representative.

Michael L. Freilich
Michael L. Freilich
408 Bosley Avenue
Towson, Maryland 21204
(410) 321-0040
Attorney for Plaintiff

91 DEC 17 PM 12:54

MICROFILMED

IN THE MATTER OF THE
THE APPLICATION OF
PAUL JEDNORSKI, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED 75' SOUTH OF BIRD
RIVER ROAD ON THE WEST
SIDE (11000 BOWERMAN ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

Appeal No. 91-167-A

Case No.

PETITION FOR APPEAL

JOAN C. BOWERMAN, GEORGE DAVID and SHEILA DAVID, Appellants, pursuant to Rule B2, petition the Court regarding the November 20, 1991 Order of the County Board of Appeals for Baltimore County of the State of Maryland, and says:

1. On November 20, 1991, the County Board of Appeals for Baltimore County (the "Board"), granted the Petition For A Zoning Variance Exception 1A01.3B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 23' in lieu of the required 35'. A copy of the Board's Order, together with its opinion is annexed as Exhibit 1.

2. The proceedings before the Board arose out of a Petition filed by Paul Jednorski which requested a 12' variation on each side of the property from the Zoning Regulation setback requirements of 35' on each side.

3. Witnesses testified in opposition to this Request for Variance stating that the proposed dwelling would be approximately three times larger than the existing dwelling, their view of the water would be partially blocked, and since the lot is only one-half acre, it cannot be built upon because it is less than two acres with R. C. 2.

4. The Board found that Paul Jednorski is entitled to use the

property for a single family detached dwelling as a right under Section 1A01.2B.1 of the BCZR.

5. Appellants submit that the Board's Order is erroneous in that:

A. The Board's decision is unsupported by competent, material and substantial evidence;

B. The Board decision is in conflict with R.C.2 Zoning Regulation;

WHEREFORE, Appellants Petition this Court to vacate the Board's Order of November 20, 1991, and direct the Board to deny Paul Jednorski's Petition For Zoning Variance of Section 1A01.3B.3 of the Baltimore County Zoning Regulations.

Michael L. Freilich
Michael L. Freilich
408 Bosley Avenue
Towson, Maryland 21204
(410) 321-0040
Attorney for Appellant

IN THE MATTER OF THE
THE APPLICATION OF
PAUL JEDNORSKI, ET UX
FOR A VARIANCE ON PROPERTY
LOCATED 75' SOUTH OF BIRD
RIVER ROAD ON THE WEST
SIDE (11000 BOWERMAN ROAD)
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

BEFORE THE
COUNTY BOARD OF APPEALS

OF
BALTIMORE COUNTY
CASE NO. 91-167-A

OPINION

The Protestant, Ms. Joan Bowerman, has filed an appeal to this Board from the decision of the Zoning Commissioner dated May 6, 1991 wherein Petitioners' request for a zoning variance from Section 1A01.3B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 23 feet in lieu of the required 35 feet was granted. The Petitioners, Paul and Jerry Jednorski, represented by Howard L. Alderman, Jr., Esquire, appeared at the hearing and offered testimony. Testifying in opposition to the variance request were the following property owners: George David, George Bowerman, Mark Campbell, Joan Bowerman, and Sheila David.

The subject property is 11000 Bowerman Road which fronts on the Bird River and is located in the Chesapeake Bay Critical Area. The lot is one-half acre in size, is presently zoned R.C.2 and is improved by a single family dwelling which is in extremely deteriorated condition and not habitable. The Petitioners offered into evidence a plat to accompany the request for the variance depicting a proposed dwelling of approximately 1800 square feet to be located approximately 100 feet back from Bird River.

Petitioner, Paul Jednorski, testified it was his plan to raze the existing 90-year old house. He informed the Board that the new

Case No. 91-167-A Paul Jednorski, et ux
dwelling would have side yard setbacks of 23 feet which would be a 12 foot variation on each side from the zoning regulations setback requirements of 35 feet each side. He informed the Board that the lot was long and narrow and that if the variance were granted, residential density would not be increased. The proposed plan was forwarded to the Department of Environmental Protection and Resource Management (DEPRM) for comment and review, particularly with regard to the property being in the Chesapeake Bay Critical Area. DEPRM, by report dated November 29, 1990, approved the project after finding that the project was consistent with the goals of the critical area law. See report dated November 29, 1990 marked Petitioners' Exhibit No. 13.

Those witnesses in opposition to the requested variance basically testified that the proposed dwelling would be approximately 3 times larger than the existing dwelling, that their view of the water would be partially blocked, and that since the lot is only one-half acre, it cannot be built upon because it is less than two acres with R.C.2 zoning.

The Board is not persuaded by the testimony offered in opposition to the requested variance and is satisfied from a review of all the evidence and testimony offered that practical difficulty and undue hardship does in fact exist for the property owners and Petitioners herein. This Board finds that the Petitioners are entitled to use the property for a single-family detached dwelling as of right under Section 1A01.2B.1 of the BCZR. The argument advanced by opposing Counsel that the lot cannot be built upon

because it is less than two acres and is zoned R.C.2 is without merit. Testimony established that the lot was created in 1977 and the R.C.2 regulation was not enacted until 1979. Therefore, Counsel's argument is without merit. This Board does not find that the spirit and intent of the zoning regulations would be violated by the granting of the 23 foot side yard setbacks in lieu of the required 35 foot setbacks.

Further, there is no evidence to support a finding that the variance would adversely affect the health, safety and/or general welfare of the public.

In granting the requested variance, this Board finds that the recommendations made by DEPRM contained in their memorandum dated November 29, 1990 shall become a condition to the granting of the variance and further that the location of the dwelling shall be moved back an additional 10 feet toward the septic field as shown on Petitioners' Exhibit No. 1.

ORDER

IT IS THEREFORE this 27th day of November, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations to permit a side yard setback of 23 feet in lieu of the required 35 feet, in accordance with Petitioners' Exhibit No. 1, be and the same is hereby GRANTED, subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day

appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall move the proposed dwelling an additional 10 feet toward the existing septic field, as indicated on Petitioners' Exhibit No. 1.
3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

AND, IT IS FURTHER ORDERED that the granting of Petitioners' variance, as conditioned upon full compliance with the recommendations of the Department of Environmental Protection and Resource Management contained in their Memorandum dated November 29, 1990 attached hereto and made a part hereof.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael B. Sauer
Michael B. Sauer, Acting Chairman

Harry E. Buchheister, Jr.
Harry E. Buchheister, Jr.

William Clark
C. William Clark

IN RE: PETITION FOR ZONING VARIANCE
75 ft. S Bird Road on W/S
11000 Bowerman Road
11th Election District
5th Councilmanic District
Paul Jednorski, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-167-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a zoning variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23 ft. in lieu of the required 35 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners, Paul and Jeri Jednorski, appeared, testified and were represented by Howard Alderman, Esquire. Appearing as Protestants were George David and Sheila David. Mrs. Joan C. Bowerman appeared and testified as a Protestant and was represented by Michael L. Freilich, Esquire.

Testimony indicated that the subject property, known as 11000 Bowerman Road, is located within the Chesapeake Bay Critical Area, consists of .517 acres +/-, zoned R.C.2 and is currently "improved" with an existing dilapidated dwelling.

The Petitioners are desirous of constructing a single family dwelling on the subject property consisting of 18,000 sq. ft. of habitable space, as indicated on Petitioners' Exhibit No. 1. Testimony indicated that the Petitioners will raze the existing structure prior to construction of the proposed dwelling. Testimony indicated that should the Petitioners be

ORDER RECEIVED FOR FILING
Date 5/6/91
By *Sh. York*

Mrs. Joan Bowerman indicated that her main concern was with the location of the proposed dwelling. Mrs. Bowerman testified that one of the primary reasons for moving to her current home was the view of the sunset across Bird River. She indicated that the proposed location of the subject dwelling will significantly block her view of the aforementioned sunset.

Mr. Freilich, on behalf of Mrs. Bowerman, argued that the R.C.2 regulations, specifically, Section 1A01.3.B.1 prohibits the subdivision of the subject property in that said Section prohibits the subdivision of lots less than 2 acres and the subject lot is only .517 acres. The uncontroverted testimony was that the subject lot was created in 1977 and the R.C.2 regulation which Mr. Freilich relies were not enacted until 1979 (see County Council Bill No. 178-79). Therefore, Mr. Freilich's argument concerning Section 1A01.3.B.1 is unconvincing. Additionally, Mr. Freilich argues that Section 304.a of the B.C.Z.R. precludes the granting of the requested relief. Section 307.1 of the B.C.Z.R. specifically gives the Zoning Commissioner authority to grant zoning variances from the height and area regulations where strict compliance with said regulations results in practical difficulty and/or unreasonable hardship. Therefore, Section 304 is not an absolute bar to the requested relief provided the Petitioners carry their burden of proof which is defined below.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the

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Date 5/6/91
By *Sh. York*

public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Area of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas Legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

ORDER RECEIVED FOR FILING
Date 5/6/91
By *Sh. York*

- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

However, in consideration for Mrs. Bowerman's concerns regarding her view of the river, the Petitioners will be required to move the proposed dwelling an additional 10 feet toward the existing septic field indicated on Petitioners' Exhibit No. 1.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of May, 1991 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 23 ft. in lieu of the required 35 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process

ORDER RECEIVED FOR FILING
Date 5/6/91
By *Sh. York*

from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall move the proposed dwelling an additional 10 feet toward the existing septic field, as indicated on Petitioners' Exhibit No. 1.

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

IT IS FURTHER ORDERED that the Petitioners shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated November 29, 1990, attached hereto and made a part hereof.

J. Robert Haines
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 5/6/91
By *Sh. York*

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 2, 1991

Howard Alderman, Esquire
Levin and Cann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Case No. 91-167-A
Paul Jednorski, et ux, Petitioners

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel
Mr. and Mrs. Paul Jednorski
634-C Harborside Drive
Joppa, Maryland 21085
Michael Freilich, Esquire
408 Rosley Avenue
Towson, Maryland 21204

MICROFILMED

IN THE MATTER OF * BEFORE THE
PETITION FOR ZONING VARIANCE * ZONING COMMISSIONER
11000 BOWERMAN ROAD * FOR
.517 AC ± *
ELEVENTH ELECTION DISTRICT * BALTIMORE COUNTY
FIFTH COUNCILMANIC DISTRICT *
PAUL JEDNORSKI AND WIFE * CASE NO. 91-167-A
Petitioners *

ENTRY OF APPEARANCE
AND REQUEST FOR HEARING

Please enter the appearance of Howard L. Alderman, Jr. and
Levin & Gann, P.A. on behalf of the Petitioners in the above
captioned matter.

Petitioners, through counsel, hereby request that this
matter be set in for hearing before the Zoning Commissioner of
Baltimore County at the earliest available date.

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.
LEVIN & GANN, P.A.
Suite 113
305 West Chesapeake Avenue
Towson, Maryland 21204
(301) 321-0600
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of February, 1991,
a copy of the foregoing Entry of Appearance and Request for
Hearing was mailed, postage prepaid to: Michael L. Freilich,
Esquire, 408 Bosley Avenue, Towson, Maryland 21204; and to Eugene
F. Raphael, R.L.S., 205 Courtland Avenue, Towson, Maryland 21204.

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 11/24/90
Posted for: Variance
Petitioner: Paul Jednorski, et ux
Location of property: 11000 Bowerman Rd., 75' S of W/S
11th Election District
Location of Sign: 11000 Bowerman Rd., opposite 20' E. 70' deep,
on property of Baltimore
Remarks:
Posted by: [Signature] Date of return: 11/30/90
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 11-30-1990
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 11-21-1990

THE JEFFERSONIAN,

S. Zeke Olson
S. Zeke Olson
Publisher

\$56.33

MICROFILMED

CRITICAL AREA 95
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-167-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is
described in the description and plat attached hereto and made a part hereof, hereby petition for a
Variance from Section 1A01.3.B.3, to permit a side yard setback
of twenty-three (23) feet in lieu of the required thirty-five
(35) feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the
following reasons: (Indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY
(see attached sheet)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the zoning regulations and restrictions of
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm,
under the penalties of perjury, that I/we
are the legal owner(s) of the property
which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) Paul Jednorski
Signature [Signature]
Address Jeri Lee A. Jednorski
(Type or Print Name)
City and State Joppla, Maryland 21085
Attorney for Petitioner: 634-C Harborside Drive 679-4878
(Type or Print Name) Address Phone No.
Signature Joppla, Maryland 21085
City and State
Name, address and phone number of legal owner, con-
tract purchaser or representative to be contacted
Paul Jednorski (202) 682-1800
Name
City and State (same as above)
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 26 day
of Sept 1990, that the subject matter of this petition be advertised, as
required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-
out Baltimore County, that property be posted, and that the public hearing be had before the Zoning
Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore
County, on the 11 day of Dec 1990, at 11:00 o'clock
A.M.

J. Robert Haines
J. Robert Haines
Zoning Commissioner of Baltimore County
(over)

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish-
ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES
REPORTER, weekly newspapers published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11-21-1990

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zeke Olson
S. Zeke Olson
Publisher

\$56.33

MICROFILMED

PRACTICAL DIFFICULTY

1. Strict compliance with the thirty-five (35) feet
setback requirements of Section 1A01.3.B.3 would unreasonably
prevent the petitioners from using the property for a
single-family detached dwelling, a use permitted as of right by
Section 1A01.2.B.1 of the Baltimore County Zoning Regulations
("BCZR").

2. The proposed dwelling is well suited for the unique
character of this lot (long and narrow) and the proposed
twenty-three (23) feet setbacks would do substantial justice to
the petitioners as well as other property owners in the
district.

3. The spirit and intent of the BCZR's setback
requirements would be observed and public safety and welfare
secured by the granting of this Variance, as herein requested,
as:

a) No detrimental effect would be produced on
available governmental facilities (fire, water, garbage and the
like);

b) The twelve (12) feet variation from the BCZR's
setback requirements are not substantial;

c) No substantial change would be produced in the
character of the surrounding neighborhood; and

d) A substantial detriment to adjoining properties
would not be created.

4. No increase in the residential density, beyond that
otherwise allowable by the BCZR, would result from the granting
of this Variance.

5603

91-167-A

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 3/20/91
Posted for: Variance
Petitioner: Paul Jednorski
Location of property: 11000 Bowerman Rd.,
11th Election District
Location of Sign: 11000 Bowerman Rd., opposite 20' E. 70' deep,
on property of Baltimore
Remarks:
Posted by: [Signature] Date of return: 3/24/91
Number of Signs: 1

MICROFILMED

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

4/17/91 M9100952
PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$25.00
LAST NAME OF OWNER: JEDNORSKI TOTAL: \$25.00

Please Make Checks Payable To: Baltimore County 04A040100KICHRG \$25.00
04A040100KICHRG 04A040100KICHRG 04A040100KICHRG

Cashier Validation

MICROFILMED

E. F. RAPHEL & ASSOCIATES
Registered Professional Land Surveyors
205 COURTLAND AVENUE
TOWSON, MARYLAND 21204

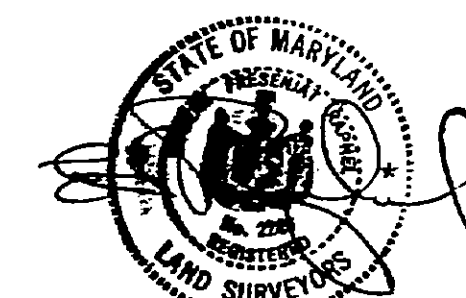
CRITICAL AREA

DESCRIPTION TO ACCOMPANY ZONING
PETITION FOR A VARIANCE

#11000 BOWERMAN ROAD August 23, 1990

Beginning for the same at the northeast corner of the First Parcel
of Land that was conveyed to George S. Bowerman Jr. in Liber E.H.K. Jr.
5739, folio 909, said point being located southeasterly and southerly
3250'± along the centerline of Bowerman Road and S 12° 52' W 75' ±
along a Private Road, from the intersection of North Loxley Beach Road
and Bowerman Road, running thence on the outline of said First Parcel
the 5 following courses and distances: 1) S 12° 52' 00" W 102.77',
2) S 21° 10' 00" W 202.46', 3) N 60° 30' 00" W 80.00', 4) N 21° 10' 00" E
283.18' and 5) S 77° 08' 00" E 65.00' to the place of beginning.

Containing 0.517 Acres of land more or less.
Being known as #11000 Bowerman Road.



E. F. Raphael
E. F. Raphael
Reg. Prof. Land Surveyor
#2246

91-167-A

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 3-12-91

Mr. & Mrs. Paul Jednorski
634-C Harborside Drive
Joppla, Maryland 21085

RE:
Petition for Zoning Variance
CASE NUMBER: 91-167-A
75' S Bird Road on W/S
(#11000 Bowerman Road)
11th Election District - 5th Councilmanic
Petitioner(s): Paul Jednorski, et ux
HEARING: WEDNESDAY, APRIL 17, 1991 at 11:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 25.00 is due for reposting of the above
captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE
DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN
& POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the
check and the sign & post set(s) to the Zoning Office, County Office
Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen
(15) minutes before your hearing is scheduled to begin.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Howard L. Alderman, Jr., Esq.

MICROFILMED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353
J. Robert Haines
Zoning Commissioner

DATE: 12-5-90

Mr. & Mrs. Paul Jednorski
634-C Haherside Drive
Joppe, Maryland 21085

RE:
Petition for Zoning Variance
CASE NUMBER: 91-167-A
75' S Bird Road on W/S
(#11000 Bowerman Road)
11th Election District - 5th Councilmanic
Petitioner(s): Paul Jednorski, et ux
HEARING: THURSDAY, DECEMBER 11, 1990 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 81.33 is due for advertising and posting of the above captioned property.
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT
ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the
Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes
before your hearing is scheduled to begin.

J. Robert Haines
Zoning Commissioner
BALTIMORE COUNTY, MARYLAND

JRH:ps

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 4/4/91
Posted for: Appeal
Petitioner: Paul Jednorski, et ux
Location of property: 75' S Bird Rd. on W/S 11000 Bowerman Rd.
Location of Sign: Along Bowerman & Bird Rd., approx. 25' ft.
Remarks: 1/3/91
Posted by: M. Haines Date of return: 4/7/91
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

5/23/91

A9100059

APPEAL FEES	QTY	PRICE
140 -OF ALL OTHER ORDERS	1 X	\$125.00
150 -POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$150.00

LAST NAME OF OWNER: JEDNORSKI
Please make checks payable to: Baltimore County BA C001138PH05-23-91 \$150.00

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
No. 3361

Date

9/07/90

H9100095

PUBLIC HEARING FEES	QTY	PRICE
010 -ZONING VARIANCE (IRL)	1 X	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: JEDNORSKI

044040074H1CHRC
BA C010-074H09-07-90 \$35.00

Please make checks payable to: Baltimore County

Cashier Validation:

CASE NO. 91-CV-7525

JOAN BOWERMAN, ET AL., PAUL JEDNORSKI, ET UX

RECEIVED FROM THE COUNTY BOARD OF APPEALS
EXHIBITS, BOARD'S RECORD EXTRACT & TRANS-
SCRIPT FILED IN THE ABOVE-ENTITLED CASE,
AND ZONING COMMISSIONER'S FILE & EXHIBITS.

1/16/92
Date: 1/16/92
Clerk's Office

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353
J. Robert Haines
Zoning Commissioner

November 5, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County
will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located
at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-167-A
75' S Bird Road on W/S
(#11000 Bowerman Road)
11th Election District - 5th Councilmanic
Petitioner(s): Paul Jednorski, et ux
HEARING: THURSDAY, DECEMBER 11, 1990 at 11:00 a.m.

Variance to permit a side yard setback of 23 ft. in lieu of the required 35 ft.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County
will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located
at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-167-A
75' S Bird Road on W/S
(#11000 Bowerman Road)
11th Election District - 5th Councilmanic
Petitioner(s): Paul Jednorski, et ux
HEARING: WEDNESDAY, APRIL 17, 1991 at 11:30 a.m.

Variance to permit a side yard setback of 23 ft. in lieu of the required 35 ft.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 26, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning
Act and Regulations of Baltimore County will hold a public hearing on
the property identified herein in Room 106 of the County Office
Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204
as follows:

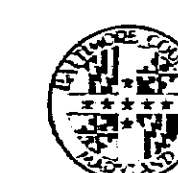
Petition for Zoning Variance
CASE NUMBER: 91-167-A
75' S Bird Road on W/S
(#11000 Bowerman Road)
11th Election District - 5th Councilmanic
Petitioner(s): Paul Jednorski, et ux
HEARING: WEDNESDAY, APRIL 17, 1991 at 11:30 a.m.

Variance to permit a side yard setback of 23 ft. in lieu of the
required 35 ft.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Paul Jednorski
Howard L. Alderman, Jr., Esq.

Michael Lewis Freilich



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. June 5, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-167-A PAUL JEDNORSKI, ET UX
75' S Bird Road on W/S (#11000 Bowerman Rd.)
11th Election District
5th Councilmanic District

VAR-Setback

5/6/91 -Z.C.'s Order GRANTING Petition
with restrictions.

ASSIGNED FOR: FRIDAY, JULY 12, 1991 AT 10:00 a.m.

cc: Michael L. Freilich, Chtd. Counsel for Protestant
Ms. Joan Bowerman Protestant
Howard L. Alderman, Jr., Esquire Counsel for Petitioners
Mr. and Mrs. Paul Jednorski Petitioners
Mr. and Mrs. George David

People's Counsel for Baltimore County out per Shirley Hess 6/10/91
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. June 12, 1991

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-167-A PAUL JEDNORSKI, ET UX
75' S Bird Road on W/s (11000 Bowerman Rd.)
11th Election District
5th Councilmanic District
VAR-Setback
5/6/91 - Z.C.'s Order GRANTING Petition with restrictions.

which was scheduled for hearing on July 12, 1991 has been POSTPONED at the request of Counsel for Protestant and has been

REASSIGNED FOR: WEDNESDAY, SEPTEMBER 11, 1991 AT 1:00 p.m.

cc: Michael L. Freilich, Chtd. Counsel for Protestant
Ms. Joan Bowerman Protestant
Howard L. Alderman, Jr., Esquire Counsel for Petitioners
Mr. and Mrs. Paul Jednorski Petitioners
Mr. and Mrs. George David

People's Counsel for Baltimore County
P. David Fields
Pat Keller
Dulcie Seewie out per Shirley Hess 6/14/91
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. August 21, 1991

NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-167-A PAUL JEDNORSKI, ET UX
75' S Bird Road on W/s (11000 Bowerman Rd.)
11th Election District
5th Councilmanic District
VAR-Setback
5/6/91 - Z.C.'s Order GRANTING Petition with restrictions.

which was scheduled for hearing on September 11, 1991 has been POSTPONED at the request of Counsel for Protestant and has been

REASSIGNED FOR: FRIDAY, SEPTEMBER 27, 1991 AT 3:00 p.m.

cc: Michael L. Freilich, Chtd. Counsel for Protestant
Ms. Joan Bowerman Protestant
Howard L. Alderman, Jr., Esquire Counsel for Petitioners
Mr. and Mrs. Paul Jednorski Petitioners
Mr. and Mrs. George David

P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. September 4, 1991

NOTICE OF REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-167-A PAUL JEDNORSKI, ET UX
75' S Bird Road on W/s (11000 Bowerman Rd.)
11th Election District
5th Councilmanic District
VAR-Setback
5/6/91 - Z.C.'s Order GRANTING Petition with restrictions.

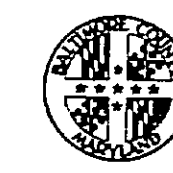
which was scheduled for hearing on September 27, 1991 has been REASSIGNED at the request of Counsel for Protestant and has been

REASSIGNED FOR: FRIDAY, SEPTEMBER 20, 1991 AT 10 a.m.

NOTE: No further postponements will be granted in this matter.
cc: Michael L. Freilich, Chtd. Counsel for Protestant
Ms. Joan Bowerman Protestant
Howard L. Alderman, Jr., Esquire Counsel for Petitioners
Mr. and Mrs. Paul Jednorski Petitioners
Mr. and Mrs. George David

P. David Fields
Pat Keller
J. Robert Haines
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning Administration

Kathleen C. Weidenhammer
Administrative Assistant



County Board of Appeals of Baltimore County
OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Ave. June 30, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-167-A PAUL JEDNORSKI, ET UX
75' S Bird River Road on W/s (11000 Bowerman Road)
11th Election District
5th Councilmanic District

(ON REMAND FROM THE CIRCUIT COURT)

VAR-side yard setback

5/6/91 - Z.C.'s Order GRANTING Petition with restrictions.

ASSIGNED FOR: TUESDAY, JULY 21, 1992 AT 9:30 a.m.

cc: Michael L. Freilich, Esquire-Counsel for Appellant/Protestant
Ms. Joan Bowerman
Howard L. Alderman, Jr., Esquire - Counsel for Petitioners
Mr. and Mrs. Paul Jednorski
Mr. and Mrs. George David

People's Counsel for Baltimore County
P. David Fields
Timothy M. Kotroco
Lawrence E. Schmidt
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director
Zoning Administration

LindaLee M. Kuszmaul
Legal Secretary

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 28, 1990

Mr. & Mrs. Paul Jednorski
63-C Harborside Drive
Joppe, MD 21085

Dennis F. Rasmussen
County Executive

RE: Item No. 95, Case No. 91-167-A
Petitioner: Paul Jednorski, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Jednorski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
3rd day of October, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Paul Jednorski, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 12, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Paul Jednorski, Item No. 95

The Petitioner requests a Variance to permit a sideyard setback of 23 ft. in lieu of the required 35 ft.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM95/2AC1

Rec
10/17/90

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

October 1, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 89, 90, 91, 92, 93, 95, and 96.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/jw

RECEIVED
OCT 9 1990

ZONING OFFICE

MICROFILMED

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-6500

Paul H. Reincke
Chief

October 3, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PAUL JEDNORSKI
Location: #11000 BOWERMAN ROAD
Item No.: 55 Zoning Agenda: SEPTEMBER 25, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Paul H. Reincke* 12-7-92 Noted and Approved *C. Staind* Fire Prevention Bureau
Planning Group
Special Inspection Division

JK/KEE

APPEAL

Petition for Zoning Variance
75 ft. S Bird Road on W/S
(11000 Bowerman Road)
11th Election District - 5th Councilmanic District
PAUL JEDNORSKI, ET UX - Petitioner
Case No. 91-167-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. Plat to accompany petitions

2A & 2B - Deed

3. Assessments & Taxation Map

4. - 12. - (23) photographs of site

14. Affidavits in support of petitions

15. Comments from Environmental Protection

Protestant's Exhibits: 1. Plan of Edmondson Avenue

2A - 2C - Deed

3. Photographic Map

4. Letter of Opposition from Mark Campbell

Zoning Commissioner's Order dated May 6, 1991 (Granted with restrictions)

Notice of Appeal received May 22, 1991 from Michael L. Freilich, Attorney for Protestant

cc: Paul & Jeri Lee Jednorski
634-C Harborside Drive, Joppa, Maryland 21085

Howard Alderman, Esquire - Levin & Gann
305 W. Chesapeake Avenue, Towson, Maryland 21204

Michael L. Freilich, Chartered
408 Bosley Avenue, Towson, MD 21204

Joan Bowerman, 11008 Bowerman Road, Whitmarsh, MD 21162

George & Sheila David, 1108 Bowerman Road, Whitmarsh, MD 21162

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Chief Deputy County Attorney
Public Services

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

9/13/90
Date

RECEIVED 9/21/90

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 95 - Zoning Advisory Committee Meeting of September 25, 1990

Property Owner: Paul Jednorski, et ux

Location: 11000 Bowerman Road

District: 11

Water Supply: metro

Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to use installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for each installation(s) before work begins.
- () A permit to construct from the Bureau of Quality Management is required for any equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any chandelier generation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- () Soil percolation tests, have been conducted. The results are valid until () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- () In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- () Others

MICROFILMED

9/14/90
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

5
6/17/91 - Following parties notified of hearing set for July 12, 1991 at 10:00 a.m.:

Michael L. Freilich, Chtd.
Ms. Joan Bowerman
Howard L. Alderman, Jr., Esquire
Mr. and Mrs. Paul Jednorski
Mr. and Mrs. George David
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

6/12/91 - Above parties notified of POSTPONEMENT and REASSIGNMENT to September 11, 1991 at 1:00 p.m. at request of Counsel for Protestant.

6/21/91 - Above parties notified of POSTPONEMENT and REASSIGNMENT to September 27, 1991 at 3:00 p.m. at request of Counsel for Protestant.

8/30/91 - Request for postponement from M. Freilich, Esquire.

9/05/91 - Letter from H. Alderman objecting to requested postponement.

9/04/91 - Notice of Reassignment sent to all parties; matter REASSIGNED to Friday, September 20, 1991 at 10:00 a.m.; NO FURTHER POSTPONEMENTS TO BE GRANTED IN THIS MATTER PER BOARD CHAIRMAN.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

SEPTEMBER 27, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 95
PROPERTY OWNER: Paul Jednorski, et ux
LOCATION: 75' S Bird Road on W/S (#11000 Bowerman Road)
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMPS (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 101.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

() OTHER - A RAZING PERMIT IS REQUIRED.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: October 3, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for September 25, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 89, 90, 91, 92 and 95.

Items 64 and 88 are subject to the previous County Review Group comments.

For Item 93, a County Review Group Meeting may be required for these improvements.

For Item 96, the right-of-way for Eugene Avenue is incorrectly shown on the plan. The paving is 24 feet and the right-of-way width is 44 feet, with a fillet and drainage and utility easement across the southernmost corner of the lot at the intersection.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

RECEIVED

10/4

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

May 23, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
75 ft. S Bird Road on W/S
(11000 Bowerman Road)
11th Election District, 5th Councilmanic District
PAUL JEDNORSKI, ET UX - Petitioner
Case No. 91-167-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 22, 1991 by Michael L. Freilich, Attorney on behalf of Joan Bowerman, Protestant. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Paul & Jeri Lee Jednorski
634-C Harborside Drive, Joppa, Maryland 21085

Howard Alderman, Esquire - Levin & Gann
305 W. Chesapeake Avenue, Towson, Maryland 21204

Michael L. Freilich, Chartered
408 Bosley Avenue, Towson, MD 21204

Joan Bowerman, 11008 Bowerman Road, Whitmarsh, MD 21162

George & Sheila David, 1108 Bowerman Road, Whitmarsh, MD 21162

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

1:1348:01:09:16:91:102
PROPS-39

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland-21204

SUBPOENA

RE: PAUL JEDNORSKI, et. ux.
75' S. Bird Road on W/s (11000 Bowerman Road)
11th Election District
5th Councilmanic District
Var-Setback
5/6/91 Z. C.'s Order Granting Petition
with Restrictions
Case No. 91-167 A

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

TO: MARK DAN CAMPBELL
Bowerman Road
White Marsh, Maryland 21162

YOU ARE HEREBY COMMANDED to personally appear at the County Board of Appeals for Baltimore County, County Office Building, Room 315, 111 W. Chesapeake Avenue, Towson, Maryland 21204 on Friday, September 20, 1991 at 10:00 o'clock a.m.

Subpoena requested by Michael L. Freilich, Esquire, 408 Bosley Avenue, Towson, Maryland 21204, (301) 321-0040, Attorney for Joan Bowerman, et. al., Protestants.

Date issued: _____

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.

2. This subpoena shall remain in effect until you are granted leave to depart by an officer acting on behalf of the County Board of Appeals.

SHERIFF/PRIVATE PROCESS SERVER

Please process in accordance with 3C Rule iv(c).

151
Zoning Commissioner

Board of Appeals

2

AFFIDAVIT IN SUPPORT OF PETITION FOR

ZONING VARIANCE OF

PAUL AND JERI JEDNORSKI

I, *Raymond A. Holter* hereby certify, on this *10* day of *April*, 1991, as follows:

1. That I own or reside at the property known as *5417 Gilman Rd*, White Marsh, Maryland, and that I am a member of the community of which the property known as 11000 Bowerman Road is a part (the "Community").

2. That I am aware that Paul and Jeri Jednorski, the owners of 11000 Bowerman Road, seek a zoning variance to permit a side yard setback of 23 feet in lieu of the required 35 feet, as more fully described in that certain Petition for Zoning Variance, Case No.: 91-167-A (the "Petition").

3. That I have fully considered the Petition and its effect upon the Community and unconditionally support its approval without restriction.

I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct.

Raymond A. Holter
Signature of Resident

Over 1 1/2 miles away from our property

AGREEMENT

THIS AGREEMENT ("Agreement") is made this *21st* day of *July*, 1992 by and among Paul Jednorski and Jeri Jednorski, his wife (the "Jednorskis") and Joan C. Bowerman, George A. David and Shelia A. David, his wife, and Richard Wall (collectively the "Bowermans").

RECITALS:

1. The Jednorskis own the property known as 11000 Bowerman Road by virtue of a Deed dated August 6, 1990 recorded among the Land Records of Baltimore County in Liber 8578, folio 347.
2. The Bowermans, exclusive of Wall, own the property known as 11008 Bowerman Road by virtue of a Deed dated May 30, 1991 and recorded among the Land records of Baltimore County in Liber 8822 folio 115.
3. The Jednorskis represent that they have obtained approval of side yard variances for their property, pursuant to Zoning Case No. 91-167-A, and said approvals have been affirmed by the County Board of Appeals for Baltimore County and appealed to the Circuit Court for Baltimore County in Case No. 91-CV-7525.
4. The Jednorskis and the Bowermans have filed with the Circuit Court a Joint Request for Remand, of the case appealed, to the County Board of Appeals for Baltimore County for further consideration in accordance with this Agreement executed in settlement of the disputes and

MICROFILMED

differences among the parties hereto.

5. The Jednorskis and the Bowermans have, together with respective legal counsel of their own choice, met and discussed the disputes and differences which exist among them.

6. The parties to this Agreement desire to resolve all existing disputes and differences which exist upon the terms and conditions outlined herein, as shown on the plat attached hereto.

WHEREFORE, the parties, by their signatures below, agree as follows:

1. The proposed location of the Jednorski home, and any above-ground additions, improvements or betterments thereto, will not extend further toward the Bird River than the rear elevation face of the Bowerman home, as shown on the attached, revised plat, identified as "Plat to Accompany Zoning Petition for a Variance - #11000 Bowerman Road" (the "revised plat").

2. The side-yard set back of the Jednorski home shall be five (5) feet from the common property line of Mrs. Jednorski's grandmother's lot, Minnie Bowerman, (identified as G.S. & M.M. Bowerman 6085/286 Residence) as shown on the enclosed revised plat. In no event shall the eastern edge of the building envelope of the Jednorski home be located greater than 49 feet from the common property line with Mrs. Jednorski's grandmother's, Minnie Bowerman's, lot. The building envelope shall be as shown as revised on the attached plat.

3. The location and construction of the proposed Jednorski

home will be such that there will be no two windows of the Jednorski - Bowerman homes facing each other to the extent that their respective surfaces are parallel.

4. The parties will jointly prepare and execute a common maintenance agreement for the existing right-of-way relating, *inter alia*, to substantial repair or resurfacing.

5. The Jednorskis will plant evergreen trees shortly after the issuance of a Use/Occupancy (U/O) permit for the Jednorski home, but not later than the end of the first planting season following the issuance of the U/O; the trees shall be six to eight feet in height, have a minimum of one inch calipers, the trees shall be planted on at least ten foot centers from the water's edge on or parallel to the Jednorski - Bowerman property line, to the southern edge of the Bowerman parking pad.

6. The parties hereto will mutually assist each other to effectuate and obtain all permits, final and unappealable approvals, etc., including the modification of the previously approved Jednorski variance and relocation of the proposed septic reserve area, all without cost or expense to the Bowermans, but only as to the proposed Jednorski home, not including attorneys fees for purposes of effectuating this Agreement.

7. The Bowermans, exclusive of Wall, agree to cooperate with the Jednorskis as may be necessary for the Jednorskis to obtain title insurance to the Jednorski property at standard insurable rates.

8. The terms, conditions and provisions of this Agreement

3

shall become null and void and of no further effect if any subsequent appeal of any permit, approval or other governmental decision regarding the development of the Jednorski property as described, is taken by any person or entity. If this Agreement becomes null and void, the Bowermans shall have the right to proceed with and prosecute the Appeal presently pending before the Circuit Court for Baltimore County as if this Agreement had never been made and as if a remand had never been requested, and the time deadlines in connection with such appeal shall be extended for 30 days from the date this Agreement becomes null and void as if this Agreement had never been made. Should this Agreement become null and void as set forth in this Paragraph 8, all agreements, rights, duties and obligations are rescinded as if this Agreement had never been made.

9. The parties will use good faith and best efforts to effectuate the terms and conditions of this Agreement. The Jednorskis shall use good faith and due diligence in meeting their obligations under this Agreement. Unless otherwise expressed herein, time shall be of the essence.

10. This Agreement, which is subordinate to and not a novation of the Agreement among the parties dated February 21, 1992, represents the final agreement of the parties and all previous offers, discussions or agreements are merged herein. No amendment of this Agreement shall be effective unless in writing, and signed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have affixed their

4

signatures the date first above written.

WITNESS:

Paul Jednorski
Paul Jednorski
Jeri Jednorski
Jeri Jednorski
Joan C. Bowerman
Joan C. Bowerman
George A. David
George A. David
Shelia A. David
Shelia A. David
Richard Wall
Richard Wall

5

7/21/92

NOTE TO FILE:

This matter was remanded to us upon request of the parties. The lawyers appeared and a written agreement was offered into evidence with an amended plat, and the parties agreed to change the requested variance and impose additional restrictions. Because all parties were in agreement, Mr. Alderman is preparing a stipulation of facts as to testimony and an order incorporating the granting of the variance, the size of the variance, the necessity of compliance with DEPRM and other additional restrictions to which the parties have agreed. The agreement will be presented signed and this Board will approve the order.

per MBS 7/21/92

MICROFILMED

4/09/92

RE: Jednorski remand

Settlement documents have been prepared and executed. Awaiting perk tests and final County approval pursuant to terms of agreement. Upon completion of above, Howard will contact me to have this matter set in for a brief hearing to put settlement on record.

Summary - at this time, nothing for Board to do but wait for notification from Howard re settlement on record.

kathi

PAUL JEDNORSKI, ET UX

#91-167-A

75' S Bird Rd. on W/s (11000 Bowerman Rd.) 11th Election District
5th Councilmanic Dist.

VAR- side yard setback of 23' in lieu of 35'

September 20, 1990 Petition for Variance filed by Paul Jednorski, et ux to permit a side yard setback of 23 feet in lieu of the required 35 feet.

December 11 Hearing held on Petition by the Zoning Commissioner.

May 6 Order of the Zoning Commissioner GRANTING Petition with restrictions.

May 22, 1991 Notice of Appeal received from Michael L. Freilich, Esquire on behalf of Protestants.

September 20 Hearing before the Board of Appeals.

November 20 Opinion and Order of the Board GRANTING Petition with restrictions.

December 17 Order for Appeal filed in the Circuit Court for Baltimore County by Michael L. Freilich, Esquire on behalf of Protestants.

December 17 Petition to accompany appeal filed in the Circuit Court for Baltimore County by Mr. Freilich.

December 17 Certificate of Notice sent to interested parties.

January 16, 1992 Transcript of testimony filed; Record of Proceedings filed in the Circuit Court for Baltimore County.

March 10 Order of the Ct. ReMANDING case to C.B. of A. for further consideration (Hon. John G. Turnbull).

April 9 Per H. Alderman /will advise Board when to set for brief hearing to put settlement on record.

June 29 T/C from H. Alderman/ can be scheduled for 9:30 a.m. hearing 7/21/92 is agreeable date.

June 30 Notice of Assignment sent to parties for July 21, 1992 9:30 a.m. hearing.



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
1111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

June 17, 1991

Mr. Paul Jednorski
634-C Harborside Drive
Joppa, MD 21085

RE: Case No. 91-167-A
Paul Jednorski, et ux

Dear Mr. Jednorski:

In response to your telephone call this afternoon, enclosed is a copy of the letter of request for continuance of the subject matter which had been previously scheduled for July 12, 1991, and which has now been postponed to September 11, 1991 at 1:00 p.m. Should you have any additional questions, please don't hesitate to call.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl

cc: Howard L. Alderman, Esquire
Michael L. Freilich, Esquire

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-296-2801

ELLIS LEVIN (1893-1960)
CARROLL COUNTY OFFICE
1137 LIBERTY ROAD
SYKESVILLE, MD 21784

HOWARD L. ALDERMAN, JR.

May 29, 1991

William T. Hackett, Chairman
Board of Appeals for Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
Paul Jednorski and Wife
Case No. 91-167-A
Request for Early Hearing

Dear Chairman Hackett:

We represent Mr. and Mrs. Paul Jednorski, Petitioners before the Zoning Commissioner for Baltimore County. The instant appeal has been taken by a protestant at the zoning hearing.

I am keenly aware of the Board's crowded docket. However, the hearing before the Zoning Commissioner took less than two hours and I would expect similar time consumption on appeal.

I am, therefore, requesting the earliest possible hearing on the merits of the appeal, if any. Your consideration of this request is greatly appreciated.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/dc

cc: Mr. and Mrs. Paul Jednorski
Michael L. Freilich, Esquire

Assign -
7/24/91 @ 10:00 am

31 JUL 1991 10:15

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-425-0500

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-296-2801

ELLIS LEVIN (1893-1960)
CARROLL COUNTY OFFICE
1137 LIBERTY ROAD
SYKESVILLE, MD 21784

HOWARD L. ALDERMAN, JR.

September 3, 1991

HAND-DELIVERED

William T. Hackett, Chairman
County Board of Appeals for
Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Paul Jednorski and Wife
Case No. 91-167-A
Opposition to Postponement

Dear Chairman Hackett:

I have just received Mr. Freilich's request for postponement of the above referenced matter. As you are aware, this matter is scheduled before the board at 3:00 p.m. on September 27, 1991. Mr. Freilich is now requesting a postponement based on an alleged need of his clients to be in New Jersey later that afternoon.

This is the third request for postponement submitted by Mr. Freilich in this matter. This is obviously nothing more than continued delay of a hearing on the merits of the frivolous appeal taken by Mr. Freilich on behalf of his clients. Therefore, I would strenuously urge this board to deny the postponement and to hold the hearing as scheduled.

Please feel free to contact me if you need any further information regarding the position of my clients, Mr. and Mrs. Paul Jednorski, please contact me.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA/dgh

cc: Mr. and Mrs. Paul Jednorski
Michael R. Freilich, Esquire

16 SEP -3 PM 3:22

COUNTY CLERK

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
9TH FLOOR
BALTIMORE, MARYLAND 21201
301-539-3700
TELECOPIER 301-425-0500

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
410-321-0600
TELECOPIER 410-296-2801

ELLIS LEVIN (1893-1960)

HOWARD L. ALDERMAN, JR.

August 13, 1992

HAND DELIVERED

Michael B. Sauer, Acting Chairman
County Board of Appeals for Baltimore County
Room 49
Court House
Towson, Maryland 21204

RE: Stipulation and Order
Paul Jednorski and Wife
Case No. 91-167-A

Dear Mr. Sauer:

You will recall that on Tuesday, July 21, 1992, a hearing was held on the jointly requested Circuit Court remand of the Board's favorable ruling in the above-referenced case. At that hearing, the parties, through counsel, put into evidence a signed Agreement, together with attached Plat, identifying the settlement that had been reached in this matter.

At your specific request, a Stipulation of Facts and Consent to Order was prepared and signed by all parties and their respective counsel. An Order for this Board's signature was also prepared as requested, which Order incorporates all relevant facts, conditions, and limitations of the settlement agreement.

Due to vacation absences of the parties, it took several weeks to obtain all signatures on the Stipulation. However, attached hereto is the original of the Stipulation, completely executed, and the original of the Order. Both of these documents have been reviewed and approved by all parties and their counsel.

It is imperative that the Board issue its Order in this uncontested appeal as soon as possible. Mr. and Mrs. Jednorski are to settle on a construction loan, and counsel for the lender is insisting that the lender wait the complete 31 days from the date of the Order before releasing funds.

I am, therefore, requesting that this Board issue the enclosed Order, effective as of the date of the uncontested hearing, July 21, 1992. This will enable my clients to move expeditiously,

Received 8-13-92
10:00 am
ELA

LEVIN & GANN, P. A.

Michael B. Sauer, Acting Chariman
Page 2
August 13, 1992

without the otherwise, very real possibility of losing their construction loan approval and the expenses associated therewith.

I would appreciate it if you would have someone call my office as soon as this Order has been executed.

Thank you, and the entire Board for the continuing cooperation that we have received in this matter.

Very truly yours,

Howard L. Alderman, Jr.
Howard L. Alderman, Jr.

HLA, Jr./gk

Enclosures (2)

cc (w/encl): Mr. and Mrs. Paul Jednorski
Michael L. Freilich, Esquire

LAW OFFICES
MICHAEL LEWIS FREILICH, CHARTERED
406 BOULEY AVENUE
TOWSON, MARYLAND 21204
(301) 321-0060

MICHAEL LEWIS FREILICH
LIMITED IN FLORIDA & OHIO
May 20, 1991

PLEASE ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 540
TOWSON, MARYLAND
21204-0540

J. Robert Haines,
Zoning Commissioner
Baltimore County, Maryland
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-167-A
Paul Jednorski, et ux, Petitioners

Dear Commissioner Haines:

Please enter an appeal on behalf of Joan Bowerman, Protestant, from your decision dated May 6, 1991.

Attached is a check in the amount of \$150.00 for costs of same.

Sincerely yours,

Michael L. Freilich
Michael L. Freilich

cc: People's Counsel, Phyllis Cole Friedman
Howard Alderman, Esquire
Mr. & Mrs. Paul Jednorski

5-22-91
ZONING OFFICE

000000000000000000

LAW OFFICES
MICHAEL LEWIS FREILICH, CHARTERED
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(301) 221-0060

PLEASE ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 540
TOWSON, MARYLAND
21204-5400

MICHAEL LEWIS FREILICH
ADMITTED IN FLORIDA & OHIO
June 10, 1991

County Board of Appeals of Baltimore County
County Office Building, Room 315
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 91-167-A

Gentlemen:

Please continue the hearing in this matter which has been set for Friday, July 12, 1991, as I have previously scheduled a family vacation and presently anticipate being in Tampa, Florida, on July 12, 1991.

Sincerely yours,
[Signature]
Michael Lewis Freilich

cc: Howard L. Alderman, Esquire
Counsel for Petitioners

1:1348:01:06:10:91:105
Misc18:62

GRANT CONTINUANCE
MET - 9/11/91
1:20 PM

LAW OFFICES
MICHAEL LEWIS FREILICH, CHARTERED
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(301) 221-0060

PLEASE ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 540
TOWSON, MARYLAND
21204-5400

MICHAEL LEWIS FREILICH
ADMITTED IN FLORIDA & OHIO
August 16, 1991

County Board of Appeals
for Baltimore County
County Office Building
Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-167-A
Paul Jednorski, et. ux.
75' S Bird Road on w/s (11000 Bowerman Road)
11th Election District
5th Councilmanic District
Var-setback

5/6/91 Z. C.'s Order Granting Petition with restrictions

Gentlemen:

The above matter is scheduled for hearing on September 11, 1991 at 1:00 p.m. Please continue this hearing since one of the principals, Mr. George David has a prior business commitment from September 10 through the 11th, 1991 in Chicago, Illinois. Attached is a letter from CIGNAL, Mr. David's employer confirming this business meeting.

Your cooperation will be appreciated.

Sincerely yours,
[Signature]
Michael L. Freilich

cc: Ms. Joan Bowerman
Howard L. Alderman, Jr., Esquire

1:1348:01:08:16:91:102
Misc19:66

PP - 9/27/91
@ 3:00 pm

COUNTY BOARD OF APPEALS
91 AUG 20 AM 10:06

7 AUG 14 '91 02:51PM P.22

CIGNAL
3300 Fenton Way
Joppa, Maryland 21085
201-538-1000
Fax 301-538-1001

August 13, 1991

Dear Mr. Freilich,

Mr. George David is a Regional Sales Manager for the Cignal Division of Merry Go Round Enterprises, Inc. Several months ago we scheduled a meeting to be held in Chicago, Illinois on September 10 - 13, 1991, in which George is presenting. Attending the meeting will be the Regional Field Manager for the East Coast and Midwest, and the District Supervisors for the surrounding area.

This meeting is being given to all personnel at the management level and George's attendance is mandatory. Many travel plans have been made including many people (approximately 25) and any re-arranging of these plans would cause severe hardship. I appreciate your understanding in this matter.

Sincerely,
[Signature]
Bill Perrone
Vice President of Store Operations
Cignal Division
Merry Go Round Enterprises, Inc.

LAW OFFICES
MICHAEL LEWIS FREILICH, CHARTERED
408 BOSLEY AVENUE
TOWSON, MARYLAND 21204
(301) 221-0060

PLEASE ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 540
TOWSON, MARYLAND
21204-5400

MICHAEL LEWIS FREILICH
ADMITTED IN FLORIDA & OHIO
August 26, 1991

County Board of Appeals
for Baltimore County
County Office Building
Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-167-A
Paul Jednorski, et. ux.
75' S Bird Road on w/s (11000 Bowerman Road)
11th Election District
5th Councilmanic District
Var-setback

5/6/91 Z. C.'s Order Granting Petition with restrictions

Gentlemen:

We just received a Notice of Postponement and Reassignment of Hearing dated August 21, 1991, in the above matter indicating a new hearing date of September 27, 1991 at 3:00 p.m.

I am advised by my clients, who are putative witnesses and the protestants, Joan Bowerman, George David, and Sheila David, that they are to participate in a wedding for a cousin the weekend of September 27th and are expected in Beach Haven, New Jersey that afternoon. Both Sheila, George, and Joan are in the wedding party and would need to be at the rehearsal on Friday afternoon.

Please continue this hearing to another date.

Sincerely yours,
[Signature]
Michael L. Freilich

cc: Ms. Joan Bowerman
Howard L. Alderman, Jr., Esquire

1:1348:01:08:26:91:102
Misc19:66

91 AUG 30 PM 04:16

91-167A

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Joan Bowerman	11008 Bowerman Rd
Sheila David	11008 Bowerman Rd
by counsel Michael L. Freilich	
408 Bosley Avenue	
Towson MD 21204	

WICHU FILMED

4-17-91 91-167A

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
GEORGE A. DAVID	11008 Bowerman Rd.
Sheila L. David	White Marsh M.D. 21162
Joan Bowerman	11008 Bowerman Rd
	White Marsh MD 21162
	11008 Bowerman Rd
	White Marsh, MD 21162
Michael Freilich, Esq.	408 Bosley Avenue
Attorney for	Towson MD 21204
Joan Bowerman	321-0040

WICHU FILMED

4-17-91 91-167A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
George S. Bowerman Jr	11045 Bowerman Rd White Marsh MD 21162
D. Jean Connolly	11045 Bowerman Rd White Marsh Md
Miss Jo. Bowerman	11062 Bowerman Rd White Marsh, Md.
Paul Jednorski	11000 Bowerman Rd White Marsh, Md
Paul Jednorski	11000 Bowerman Rd. " " "

WICHU FILMED

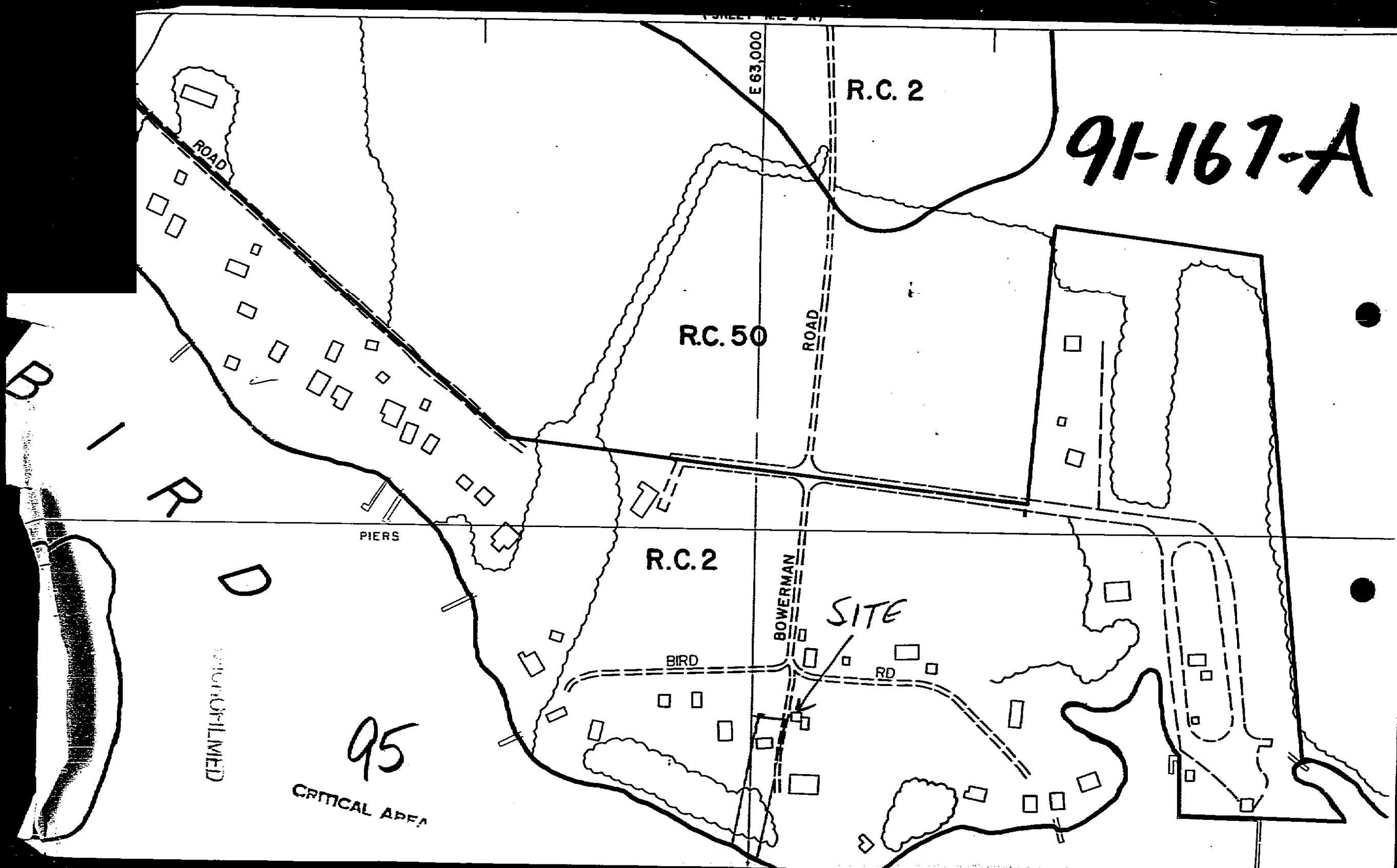
91-167A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Paul Jednorski	604 C. Harbourside Dr.
JEAN JEDNORSKI	Sagora, MD. 21085
	same as above

WICHU FILMED



ORIGINAL

IN THE MATTER OF * BEFORE THE
PAUL JEDNORSKI, et ux * COUNTY BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 91-167-A
* June 1, 1990

The above-entitled matter came on for
hearing before the County Board of Appeals of Baltimore
County at the County Office Building, Towson, Maryland at
10 o'clock a.m., September 20, 1991.

BOARD MEMBERS:
MICHAEL SAUER, Acting Chairman
HARRY E. BUCHHEISTER, JR.
C. WILLIAM CLARK

APPEARANCES:
HOWARD L. ALDERMAN, JR., Esquire
On behalf of Petitioner
MICHAEL FREILICH, Esquire
On behalf of Protestant/Appellant

Reported by:
C.E. Peatt

TOWSON REPORTING COMPANY, INC.

LIBER 8578 PAGE 347

COPY

Acres Bowerman Rd.
Tax ID #17-00-010822
File No. 901736-04

THIS DEED, Made This 17th day of March in the year one thousand nine hundred and ninety by and between
GEORGE SHANNON BOWERMAN, JR., Party of the first part,
Grantor(s);
and
PAUL JEDNORSKI and JERI LEE A. JEDNORSKI his wife,, Parties of the second part, Grantee(s).

Witnesseth, That in consideration of the sum of ZERO DOLLARS (\$0.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Party of the First Part, does grant and convey to the said Parties of the Second Part, as Tenants by the Entireties, their assigns, the survivor of them and the survivor's personal representative, and assigns, in fee simple, all that lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND, and described as follows, that is to-wit:

BEGINNING at a point on the North bank of Bird River at the line dividing Lots 2 and 3 and as shown on the plat entitled "Division of the Property of Mrs. Jane S. Bowerman" and recorded among the Land Records of Baltimore County in Plat Book No. C.W.B. Jr. NO. 12, folio 44 running thence and binding on said division line the following two courses and distances: 1) North 21 degrees 09 minutes 00 seconds East, 283.18 feet, and 2) South 77 degrees 12 minutes 00 seconds East, 65.00 feet to the center of a 16 feet Road running thence for a line of division the following two courses and distances: 1) binding in the bed of a 16 feet Road used in common with others South 12 degrees 52 minutes 00 seconds West, 102.77 feet and 2) South 21 degrees 10 minutes West, 202.46 feet to the North bank of Bird River to intersect the North 60 degrees thence and binding on the North bank of Bird River and on part of the last mentioned line North 60 degrees 30 minutes 00 seconds West, 80.00 feet to the place of beginning, Containing 0.517 acres of land, more or less, shown as Part-B on a plat dated March 1, 1977 by E.F. Raphael and Associates, said plat being attached to George S. Bowerman, Jr. and Joan C. Bowerman a/k/a Joan Bowerman, recorded in Liber EHKJr. No. 6377, folio 184; subject to and together with the right to use in common with others the land which extends westerly from the south end of the aforesaid 16 feet Road.

BEING THE PART OF the property described in a Deed dated December 20, 1989 and recorded among the Land Records of BALTIMORE COUNTY at Liber No. 8391, folio 197, was granted and conveyed by George S. Bowerman, Jr. and Joan C. Bowerman, a/k/a Joan Bowerman, unto the Party of the First Part herein named.

TOGETHER WITH the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
JUN 27 1990

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
DATE 8-27-90

SIGNATURE: IR 8-27-90

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY MARYLAND
Per: [Signature]
Date: 8-24-90 Sec 11-86 C

91-167A

PROTESTANT'S
EXHIBIT 2A

LIBER 5739 PAGE 909

91-167A

THIS DEED, Made this 17th day of March

In the year one thousand nine hundred and seventy-seventy by and between GEORGE S. BOWERMAN, JR. and CAROLE V. BOWERMAN (Grantors) of the first part, and GEORGE S. BOWERMAN, JR., (Grantee) of the second part;

WITNESSETH: That in consideration of FIVE DOLLARS (\$5.00) and other good and valuable consideration, the said GEORGE S. BOWERMAN, JR. and CAROLE V. BOWERMAN, grant and convey unto the said GEORGE S. BOWERMAN, JR., his heirs and assigns, in FEE SIMPLE, that lot of ground, situate, lying and being in the Eleventh Election District of Baltimore County, containing 5.475 acres of land, more or less, and

Beginning at a point on the north bank of Bird River at the line dividing lots 2 and 3 and as shown on the plat entitled "Division of the Property of Mrs. Jane S. Bowerman" and recorded among the Land Records of Baltimore County in Plat Book No. C.W.B. Jr. 12, folio 44 running thence and binding on said division line the following two courses and distances: 1) N21°10'00"E 283.18 ft.; and 2) S77°08'00"E 65.00 ft. to the center of a 16 ft. road running thence for a line of division the following two courses and distances: 1) binding in the bed of a 16 ft. road used in common with others S12°52'00"W 102.77 ft. and 2) S21°10'00"W 202.46 ft. to the north-bank of Bird River to intersect the N60°30'00"W 180.00 ft. line of lot 3 running thence and binding on the north bank of Bird River and on part of the last mentioned line N60°30'00"W 80.00 ft. to the place of beginning containing 0.517 acres of land more or less, shown as Part-B on the attached plat dated March 1, 1977, by E. F. Raphael and Associates; subject to and together with the right to use in common with others the lane which extends southerly from the south end of the aforesaid 16 ft. road;

Then at a point in the line dividing lots 3 and 4 and 379.18 ft. from the north bank of Bird River as shown on the plat entitled "Division of the Property of Mrs. Jane S. Bowerman" recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. 12, folio 44 running thence and binding on said division line N17°16'00"E 971.13 ft. running thence and binding on the north outline of lot 3 N71°24'00"W 275.00 ft. to the center line of a 16 ft. road and the line dividing lots 2 and 3 running thence and binding on said division line and also on the center line of a 16 ft. road shown on the aforesaid plat the three following courses and distances: 1) S27°27'00"W 65.46 ft.; 2) S11°07'00"W 526.00 ft.; and 3) S12°52'00"W 405 ft.; thence leaving the line dividing lots 2 and 3 and running for a line of division now said S77°08'00"E 176.88 ft. to the place of beginning, as shown as Part-C on the attached plat and containing 4.958 acres of land more or less; Subject to and together with the 16 ft. road shown on the plat entitled "Division of the Property of Mrs. Jane S. Bowerman" and recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. 12, folio 44;

Being part of Lot 13 shown on the plat entitled "Division of the Property of Mrs. Jane S. Bowerman" and recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. 12, folio 44, which lot by deed dated June 25, 1970, and recorded among the Land Records as aforesaid in Liber CTO 5106, folio 425, was conveyed by Nancy E. Rodney to George S. Bowerman, Jr. and Carole V. Bowerman, his wife, who have since divorced and who are the Grantors herein;

8835 MC

Baltimore County Zoning Commissioner
Baltimore County Court
Towson, MD 21204

To Whom It May Concern:

This letter is for the purpose of opposing the variance requested for 11000 Bowerman Road (Variance # 91-167 A). I understand that the aim of the variance request is to allow for the construction of another single family home on the lot, which entails changing the setback requirements from 35 feet to 23 feet.

My home at 11006 Bowerman Road is approximately 100-120 feet from the lot for which the variance has been requested.

The building of another home on this lot will significantly reduce my enjoyment of my property and may result in a reduction of the value of my property. I derive great pleasure from the uncrowded and rural quality of my neighborhood. I fear that the quality will be damaged or perhaps destroyed if the property owners are allowed to build on this unusual size lot.

I fervently hope that the County Board will preserve the unique quality of this area for my family and all members of this community.

Sincerely,

Mark D. Campbell
Resident Bowerman Road

Patricia Lopez
Notary

Commissioner's Office
4-1-92

PROTESTANT'S
EXHIBIT 4
91-167A

Baltimore County Zoning Commissioner
Baltimore County Court
Towson, MD 21204

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Sincerely,

Mark D. Campbell
Resident Bowerman Road

Patricia Lopez
Notary

Commissioner's Office
4-1-92

Pet of Appeals
Pet Ex 15

AFFIDAVIT IN SUPPORT OF PETITION FOR
ZONING VARIANCE OF
PAUL AND JERI JEDNORSKI

I, Minnie M. Bowerman, hereby certify, on this 12 day of April, 1991, as follows:

1. That I own or reside at the property known as 11000 Bowerman Rd., White Marsh, Maryland, and that I am a member of the community of which the property known as 11000 Bowerman Road is a part (the "Community").

2. That I am aware that Paul and Jeri Jednorski, the owners of 11000 Bowerman Road, seek a zoning variance to permit a side yard setback of 23 feet in lieu of the required 35 feet, as more fully described in that certain Petition for Zoning Variance, Case No.: 91-167-A (the "Petition").

3. That I have fully considered the Petition and its effect upon the Community and unconditionally support its approval without restriction.

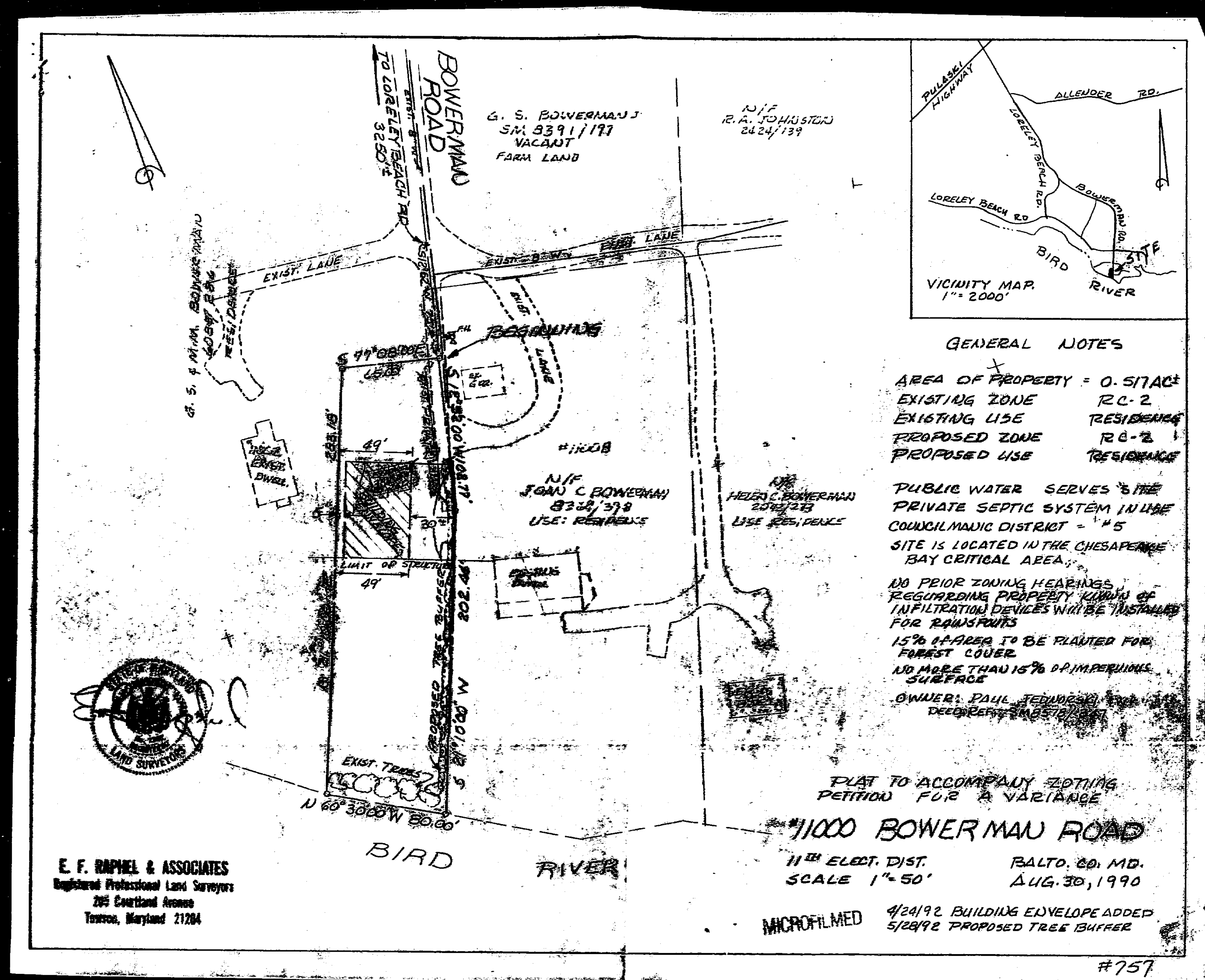
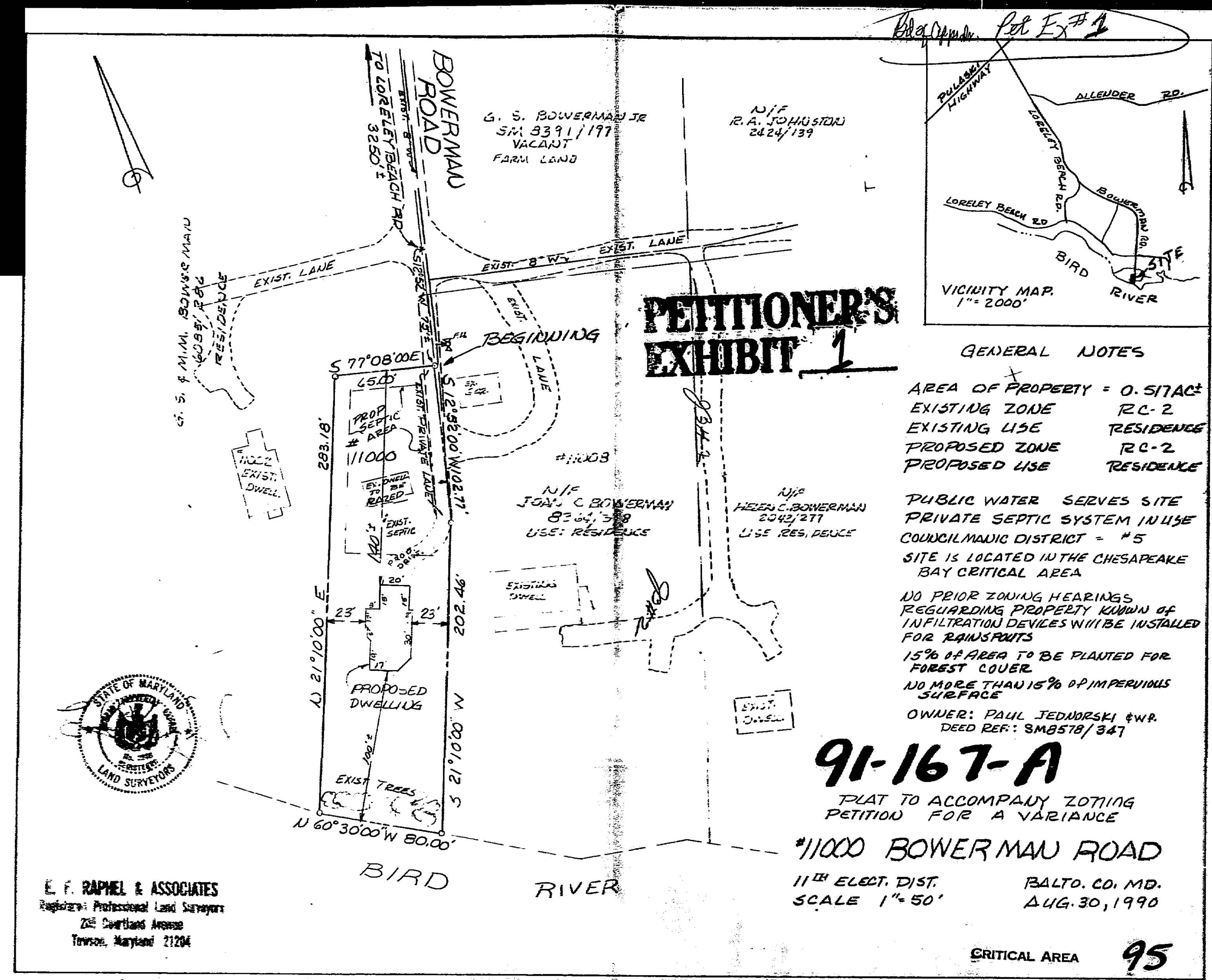
I do solemnly declare and affirm under penalties of perjury that the contents of the foregoing document are true and correct.

Minnie M. Bowerman
(Signature of Resident)

91-167A

Brd of Appeals
Pet Ex 14

PETITIONER'S
EXHIBIT 14



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 95
Jednorski Property
Chesapeake Bay Critical Area Findings
#91-167-A

DATE: November 29, 1990

RECEIVED
DEC 13 1990
ZONING OFFICE

SITE LOCATION

The subject property is located at 11000 Bowerman Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Paul Jednorski

APPLICANT PROPOSAL

The applicant has requested a variance from section 1401.3.B.3 of the Baltimore County Zoning Regulations to permit "a side yard setback of twenty-three feet in lieu of the required thirty five feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.02>

PETITIONER'S EXHIBIT 14A
91-167A

Memo to Mr. J. Robert Haines
November 29, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: This house is proposed to be located 100 feet from the mean high tide of Bird River. No development shall take place within the 100 foot buffer.

2. Regulation: "The natural vegetation occurring in the buffer shall remain undisturbed. Except as provided in Section 22-214, vegetation shall be planted in the buffer where necessary to protect, stabilize, or enhance the shoreline" <Baltimore County Code, Section 22-213 (d)>.

Finding: Natural vegetation exists in the 100 foot buffer. No disturbance is proposed nor shall it be allowed within the buffer.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The proposed house and driveway create impervious surfaces summing to 13% of the lot. Therefore the total sum of impervious surfaces shall not exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The following plant material shall be selected from the enclosed list and planted in addition to existing vegetation to provide a 15% forested cover.

Shrub and small tree list: 4 items - ball and burlap or 2 gallon container size
Tree list: 2 items - minimum 4 foot size

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

PETITIONER'S EXHIBIT 14B
91-167A

Memo to Mr. J. Robert Haines
November 29, 1990
Page 3

5. Regulation: "The stormwater management system shall be designed so that:

- (1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;
- (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and
- (3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Finding: To comply with the above regulation, rooftop runoff shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

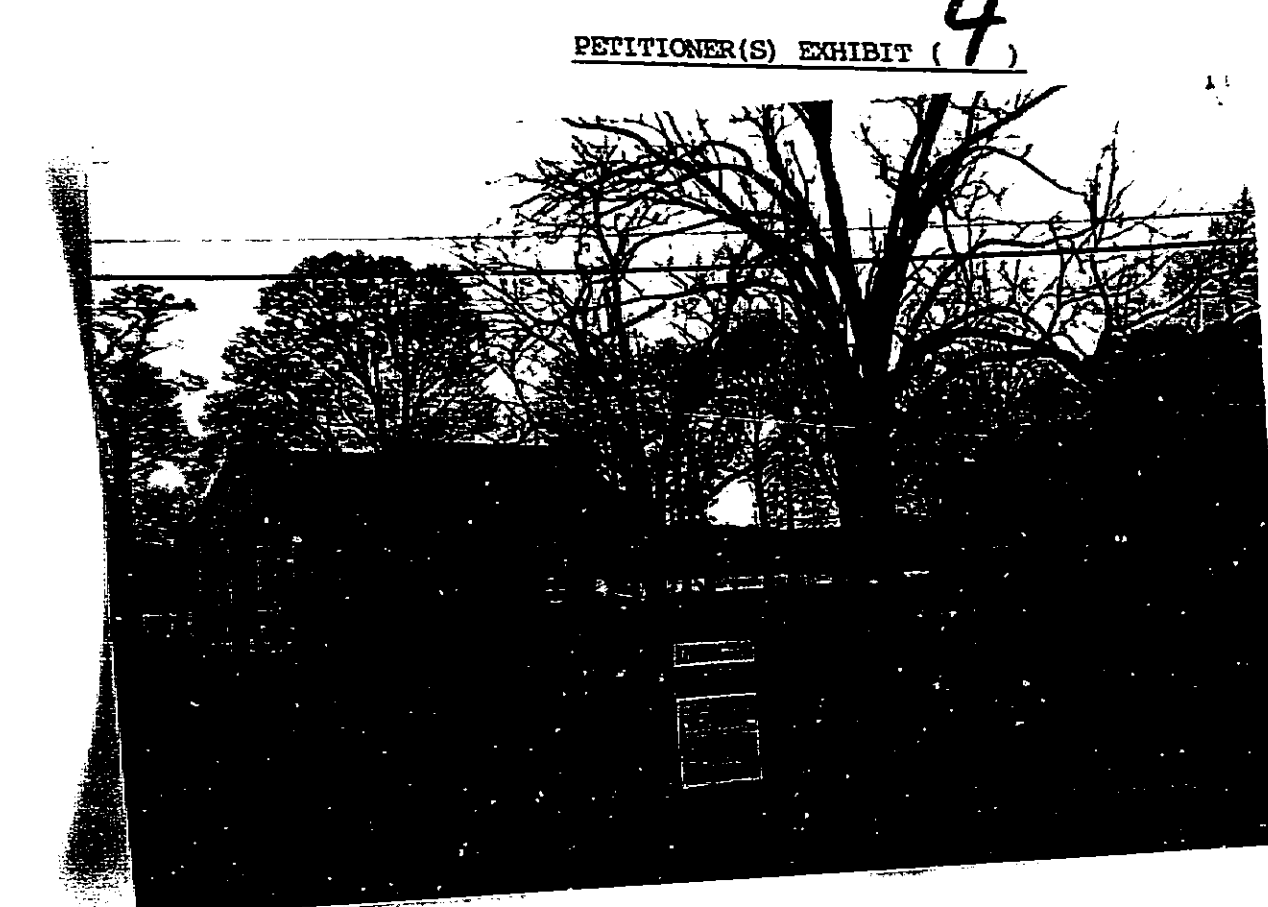
PETITIONER'S EXHIBIT 14c

RWS:NSS:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen

91-167A

Pl. Ex #2 91-167A



91-167A
PETITIONER(S) EXHIBIT (5)



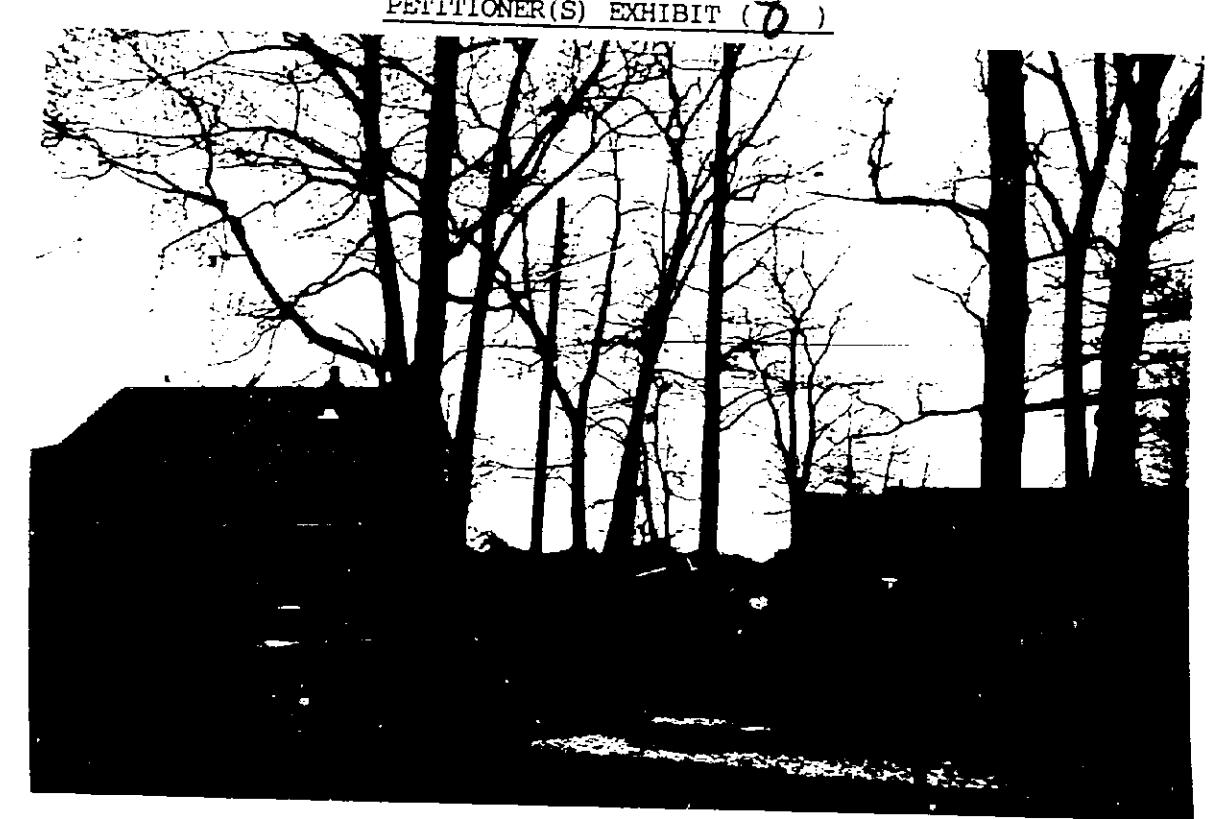
91-167A
PETITIONER(S) EXHIBIT (6)



91-167A
PETITIONER(S) EXHIBIT (7)



91-167A
PETITIONER(S) EXHIBIT (8)



91-167A
PETITIONER(S) EXHIBIT (9)



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PETITIONER(S) EXHIBIT (10)



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PETITIONER(S) EXHIBIT (11)



91-167A
PETITIONER(S) EXHIBIT (12)

